



# Kansas Register

Bill Graves, Secretary of State

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 16 through November 29:

Date	Room	Time	Committee	Agenda
November 15	Ramada Inn Downtown		Legislative Educational Planning Committee	<u>15th &amp; 16th</u> : Postsecondary Education Conference.
November 16	Ramada Inn Downtown			<u>17th</u> : Instruction to staff on final reports and possible bill drafts.
November 17	531-N	9:00 a.m.		
November 17	514-S	10:00 a.m.	Health Care Decisions for the 1990's	Agenda not available.
November 18	514-S	9:00 a.m.		
November 17	519-S		Special Committee on Workers Compensation	Agenda not available.
November 18	519-S			
November 19	519-S	10:00 a.m.	Special Committee on Children and Families	Agenda not available.
November 20	519-S	9:00 a.m.		
November 19	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
November 20	514-S	9:00 a.m.		
November 23	531-N	10:00 a.m.	Joint Committee on Computers and Telecommunications	Agenda not available.
November 24	531-N	9:00 a.m.		
November 24	519-S	9:00 a.m.	Special Committee on Governmental Organization	Instructions to staff on Proposals No. 9, 10 and 11.

Emil Lutz  
Director of Legislative  
Administrative Services

Doc. No. 012713

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**Topeka, KS 66612-1594**  
**(913) 296-2236**



**Register Office:**  
**235-N, State Capitol**  
**(913) 296-3489**

## State of Kansas

## Kansas Inc.

## Notice of Meeting

The Strategic Planning Committee of the Kansas Inc. Board will meet at 9 a.m. Friday, November 20, in the conference room of Sprint Inc., Shawnee Mission Parkway at Rainbow, Westwood. The meeting is open to the public.

Charles R. Warren  
President, Kansas Inc.

Doc. No. 012704

## State of Kansas

Department of Commerce  
and HousingNotice Concerning Kansas Comprehensive  
Housing Affordability Strategy

The Annual Performance Report on the Kansas Comprehensive Housing Affordability Strategy (CHAS) for federal fiscal year 1992 (October 1, 1991 through September 30, 1992) will be available for public review and comment between November 16 and December 16. Copies of the report will be available upon request from the Department of Commerce and Housing, Division of Housing, 700 S.W. Harrison, Suite 1300, Topeka 66603-3712, (913) 296-2686.

Robert Knight  
Secretary of Commerce  
and Housing

Doc. No. 012717

## State of Kansas

## Office of the State Treasurer

## Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

## Effective 11-16-92 to 11-22-92

Term	Rate
0-90 days	3.05%
3 months	3.10%
6 months	3.35%
12 months	3.73%
24 months	4.53%
36 months	5.15%
48 months	5.76%

Sally Thompson  
State Treasurer

Doc. No. 012712

## State of Kansas

## State Emergency Response Commission

## Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Thursday, November 19, in Room 11 of the State Defense Building, 2700 S.W. Topeka Blvd., Topeka.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 012716

## State of Kansas

## Kansas Arts Commission

## Notice of Advisory Panel Meetings

Three advisory panels for the Kansas Arts Commission will meet this month at the Kansas Museum of History, 6425 S.W. 6th, Topeka, to review applications for artists' rosters in fiscal year 1994.

Two advisory panels will meet separately but simultaneously from 9 a.m. to 4 p.m. Tuesday, November 17, to consider applications from individuals and ensembles in the performing arts—one panel for theatre and dance, the other for music—who have applied to be listed on the rosters for the Kansas Touring Program (KTP) and the Arts in Education (AIE) Program during fiscal year 1994 (July 1, 1993—June 30, 1994).

The third advisory panel will meet from 10 a.m. to 4 p.m. Wednesday, November 18, to consider applications from visual artists who have applied to be listed on the roster for the AIE Program during fiscal year 1994.

The recommendations of all three panels will be acted upon by the full commission during its next quarterly business meeting December 4 in Topeka.

Presenters of performances by artists on the KTP roster may apply to the commission for funds to help pay the artists' fees. This support is not available for performances by artists not on the roster.

Organizations and schools interested in hosting residencies by artists in educational settings may apply to the commission for AIE grants to help fund the residencies. The sponsors must use artists from the AIE roster.

Meetings of the Kansas Arts Commission, a state agency, and of its advisory panels are open to public observation. Funding for grant programs is provided through appropriations by the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758, (913) 296-3335, FAX (913) 296-4989. Persons with special communication needs may use the Kansas Relay Center, 1-800-766-3777.

Dorothy L. Ilgen  
Executive Director

Doc. No. 012719

## State of Kansas

## Kansas Insurance Department

## Notice of Hearing

A formal hearing will be conducted at 1:30 p.m. Tuesday, November 24, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed merger of Swedish American Mutual Insurance Company, Inc., Lindsborg, with and into Patrons Mutual Insurance Association, Olathe, should be approved by the Commissioner of Insurance.

Swedish American Mutual Insurance Company, Inc. and Patrons Mutual Insurance Association have requested that the Commissioner of Insurance approve the merger of the two companies pursuant to K.S.A. 40-1216, *et seq.*

Any interested parties may attend and will be given the opportunity to hear the details of the proposed merger, to present either oral or written testimony in favor of or in opposition to the proposed merger, and to ask any questions relative to the merger.

Ron Todd  
Commissioner of Insurance

Doc. No. 012698

## State of Kansas

## Department of Administration

## Division of Architectural Services

Notice of Commencement of  
Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for Lewis Field renovation at Fort Hays State University, Hays. Phase 1 includes installation of a new track and artificial turf football field and has an estimated construction cost of \$1.1 million. Phase 2 consists of miscellaneous improvements to the facility and will be completed at a later date.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Deputy Director of Planning & Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before November 30. An original and five copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman  
Director, Division of  
Architectural Services

Doc. No. 012706

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 1991 Supp. 65-34,117(b), as amended by 1992 House Bill No. 3153, records of the Division of Accounts and Reports show the unobligated balances are \$1,843,456.92 in the underground petroleum storage tank release trust fund and \$4,305,015.70 in the aboveground petroleum storage tank release trust fund at October 31, 1992.

Susan Seltsam  
Secretary of Administration

Doc. No. 012700

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be held at 10 a.m. Friday, December 11, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of a proposed permanent regulation of the Kansas Insurance Department.

Copies of the full text of the regulation and the economic impact statement may be obtained by writing to the Commissioner of Insurance, 420 S.W. 9th, Topeka 66612-1678. The following is a summary of the regulation and includes the economic impact statement:

K.A.R. 40-8-7 is being amended to implement the new excess lines tax rates established by 1992 House Bill 3169. This regulation is currently in effect as a temporary regulation. While the increase in excess lines tax will produce additional revenue and will be paid by Kansas insureds who purchase insurance coverage through the excess lines market, such impact is caused by 1992 House Bill 3169. K.A.R. 40-8-7 is simply a vehicle to assist in the administration of the law.

All interested parties may submit written comments prior to the hearing to the Commissioner of Insurance at the address above. The period of time between the date of publication of this notice and the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Ron Todd  
Commissioner of Insurance

Doc. No. 012718



## State of Kansas

**Kansas Council on Employment  
and Training****Notice of Meeting**

The Kansas Council on Employment and Training will meet from 8:30 a.m. to noon Thursday, November 19, at the Topeka Performing Arts Center, Hills Festival Hall, Lower Level, 214 S.E. 8th, Topeka. The meeting is open to the public.

Joe Dick  
Secretary of Human Resources

Doc. No. 012710

## State of Kansas

**Department of Administration  
Division of Purchases****Notice to Bidders**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. local time on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**Monday, November 23, 1992****94372**

University of Kansas Medical Center—Lab refrigerators and freezers

**94429**

Emporia State University—Classroom furniture

**Tuesday, November 24, 1992****A-6995**

Youth Center at Beloit—Asbestos abatement project, Shadyside Cottage

**29291**

Statewide—January (1993) meat products

**29292**

University of Kansas—January (1993) meat products

**29293**

University of Kansas Medical Center—January (1993) meat products

**94377**

Wichita State University—Respiratory therapy equipment

**94378**

Department of Social and Rehabilitation Services—IM-3100 application form

**94381**

University of Kansas—Ultra-centrifuge

**94393**

Fort Hays State University—Band musical instruments

**94424**

University of Kansas Medical Center—Blood flow analysis system

**94425**

Kansas Neurological Institute—Bathing system

**94426**

University of Kansas Medical Center—Computed tomography system upgrade

**94427**

University of Kansas Medical Center—Computed tomography system

**Wednesday, November 25, 1992****29285**

University of Kansas Medical Center—Cardiac catheters and computers

**29294**

Division of Printing—Color separation services

**94400**

University of Kansas Medical Center—Infant warmers and scales

**94401**

Kansas State University—Furnish all labor and materials to insulate piping lines

**94402**

El Dorado Correctional Facility—Facility signage

**94414**

Kansas Soldier's Home—Furnish and install doors

**94415**

Department of Transportation—Cold asphaltic concrete mix, various locations

**94419**

Kansas Correctional Industries—Trailer

**94421**

Emporia State University—Chiller

**94430**

Department of Commerce—Printing of "Kansas Secrets Guidebook"

**94431**

Department of Commerce—Printing of "Kansas Attractions Guide"

**94439**

University of Kansas Medical Center—Microorganism sensitivity test system

**Tuesday, December 1, 1992****28782**

Statewide—Perfusion supplies (Class 18)

**Wednesday, December 2, 1992****29281**

Statewide—Surgical specialty items (Class 012)

**Tuesday, December 8, 1992****29282**

Statewide—Sutures (Class 12)

Jack R. Shipman  
Director of Purchases

Doc. No. 012714

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

## Public Notice No. KS-AG-92-96/98

Name and Address of Applicant	Legal Description	Receiving Water
Roger Koester & Loren Koester Route 3, P.O. Box 65 Concordia, KS 66901	SW/4 Section 22, Township 6S, Range 2W, Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-S006

The proposed facility will have capacity for approximately 600 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop-nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Joe Allen Route 1, Box 51 Argonia, KS 67004	NW/4 Section 31, Township 31S, Range 3W, Sumner County	Lower Arkansas River Basin

Kansas Permit No. A-ARSU-S009

The proposed facility will have capacity for approximately 625 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Loren Koester and Roger Koester Route 2, Box 21 Ames, KS 66931	NW/4 Section 23, Township 6S, Range 2W, Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-S007

The proposed facility will have capacity for approximately 375 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

## Public Notice No. KS-ND-92-70

Name and Address of Applicant	Waterway	Type of Discharge
Sunflower Materials Company 15520 S. 169 Highway Olathe, KS 66061 Johnson County, Kansas	Non-discharging	Non-discharging

Kansas Permit No. I-KS52-N005

Description of Facility: This facility is a ready mix concrete business. City potable water and water diverted from the site stormwater ponds and stormwater collection system are collected in non-discharging concrete bins and used in manufacturing concrete and for concrete truck washout. This is a new facility.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620.

All comments received prior to December 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-92-96/98, KS-ND-92-70) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 012715

## State of Kansas

## Real Estate Appraisal Board

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, December 15, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed amendments to regulations 117-1-1, 117-2-1, 117-3-1, 117-4-1, 117-4-4, 117-6-1, 117-6-2 and 117-8-1.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Room 501, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1220. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows.

**117-1-1. Definitions.** Amended to define "appraisal foundation" and to further define "classroom hour."

**117-2-1. Licensed classification; education requirements.**

**117-3-1. General classification; education requirements.**

**117-4-1. Residential classification; education requirements.** The amendments allow correspondence courses and video and remote TV education offerings to be approved under certain conditions.

**117-4-4. Residential classification; scope of practice.** Amended to further define the scope of practice for the residential classification.

**117-6-1. Continuing education; renewal requirements.** Amended to allow an appraiser who receives credit for a course to apply toward a higher classification to also receive continuing education credit for the course.

**117-6-2. Continuing education; approval of courses; requirements.** Amended to allow correspondence courses to be approved for continuing education credit under certain conditions.

**117-8-1. Uniform standards of professional appraisal practice.** Amended to reference standards promulgated by appraisal standards board.

There is no anticipated fiscal impact on other governmental units, private citizens and consumers and no anticipated costs to either state agencies or licensed or certified appraisers as a result of the regulations.

Copies of the regulations and their economic impact statement may be obtained from the Kansas Real Estate Appraisal Board at the address above, (913) 296-0706.

Jean Duncan  
Administrative Officer

## State of Kansas

Kansas Commission on Governmental  
Standards and Conduct

## Advisory Opinion No. 92-35

Written October 22, 1992, to Ron Smith, General Counsel, Kansas Bar Association, Topeka.

This opinion is in response to your letter of September 22, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interests law (K.S.A. 46-215 *et seq.*).

## Factual Statement

We understand you request this opinion in your capacity as general counsel for the Kansas Bar Association. You attach with your opinion request a copy of *The Annual Survey*, which is a publication of the Kansas Bar Association's continuing legal education department. It is sold to your members and non-members at a cost which may exceed \$40.00 depending upon sales volume.

You state that the survey is primarily a survey of statutory law enacted by the legislature from the previous sessions and a review of the state and federal case law development from that same twelve month period. You state the survey is not used nor intended to be used to influence law making in any form.

You advise us that you want to give copies of the survey to legislators and senior executive branch officers at no cost.

## Question Presented

You ask whether giving a copy of *The Annual Survey* to legislators and selected senior executive officers constitutes a gift under K.S.A. 46-237 and 46-271.

## Analysis and Opinion

K.S.A. 46-237(a) states:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

K.S.A. 46-271 states:

No lobbyist shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties. Hospitality in the form of recreation, food and beverages are presumed not to be given to influ-

(continued)

ence a state officer or employee or candidate for state office in the performance of official duties, except when a particular course of official action is to be followed as a condition thereon. Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act as amended, or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

Read together, the above sections prohibit the giving of gifts to state officers and employees and their acceptance of such gifts in an aggregate value of \$40 or more in a calendar year from any person. The trigger to both sections is whether the gift has a major purpose to influence the recipient in his or her official actions.

This commission has consistently held that gifts given to state officers or employees because they serve in that position are presumed to be given to influence official action. While the item itself may not be intended to influence, the gift seeks goodwill or access and therefore the opportunity to influence. Thus, the gift limitation applies to the giving of *The Annual Survey*.

#### Advisory Opinion No. 92-36

Written October 22, 1992, to Lonnie R. McCollum, Acting Superintendent, Kansas Highway Patrol, Topeka.

This opinion is in response to your letter of September 9, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning nepotism issues.

#### Factual Statement

We understand you request this opinion in your capacity as acting superintendent of the Kansas Highway Patrol.

#### Question Presented

You ask whether the position of assistant superintendent of the Kansas Highway Patrol could be held by someone who has a sibling employed as a Kansas Highway Patrol trooper under K.A.R. 1-9-21.

#### Analysis and Opinion

We note at the outset that the commission has no jurisdiction to issue an opinion concerning K.A.R. 1-9-21. That regulation was issued by another agency and to the extent it is still effective you should turn to that agency for an interpretation.

There is, however, a statute within our jurisdiction which does apply to the situation you have described. Chapter 246, section 1 of the *1992 Session Laws of Kansas* states:

- (a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer's or employee's household or a family member. (b) No state officer or employee shall participate in

an action relating to the employment or discipline of a member of the officer's or employee's household or a family member. . . .

We first note that a sibling does constitute a family member by definition of K.A.R. 19-40-4, a regulation which this commission adopted concerning K.S.A. 46-246a.

Thus, the assistant superintendent could not, among other things, advocate or cause the promotion, transfer or advancement of the sibling. Also, the assistant superintendent could not participate in disciplinary proceedings covering the sibling.

We assume the position of assistant superintendent is so integrally involved in promotions and discipline proceedings that the listed prohibitions could not be avoided. If this is so, then an individual with a sibling on the patrol could not become assistant superintendent. If, however, the position of assistant is not involved in any disciplinary proceedings and in any decisions involving promotion, transfer and advancement of the sibling and those of others in direct compensation with the sibling, then the position could be accepted.

#### Advisory Opinion No. 92-37

Written October 22, 1992, to Susan Eakins, LMSW, Social Worker, Lawrence SRS.

This opinion is in response to your letter of October 7, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interests law (K.S.A. 46-215 *et seq.*).

#### Factual Situation

You advise us you work half-time for the Lawrence SRS Office. You have supervised the Truancy Diversion Program for the last 3½ years. In this position you supervise twelve Kansas University students and work with youths having attendance problems.

For the last three years you have also been employed by the Juvenile Intake Program which is operated by a private non-profit company. This is an after hours and weekend program. When the police bring in a child or youth to the Law Enforcement Center, Juvenile Intake is called in to facilitate mediation between family members and to provide support for the police officers.

Recently, the Lawrence Area SRS Director James Wann felt that having these two jobs is a conflict of interest. He based this decision on K.S.A. 46-215 to 46-286 and on the Secretary's letter dated August 19, 1991. Apparently, since the Juvenile Intake Program has the same board of directors and administrator as the shelter and since you placed two youths at the shelter last year as an SRS employee, then this is a conflict of interest. The reasoning behind this is that you are, as an SRS employee, making a contract with the shelter when you place a youth there, and since you are indirectly employed under the Shelter/Juvenile Intake umbrella, this is a conflict.

In order to avoid any appearance of a conflict, at your supervisors' suggestion, you have developed a plan that addresses this situation.

Another social worker has agreed to be responsible for any placements that might arise on your SRS caseload. As you stated previously, this is a very minimal part of your job since you placed only two youths all of last year. With this plan, she will make all placement decisions (with your supervisors' staffing) and will make the placement contract with the shelter. You would not be involved in the placement or contracting. You feel that this should eliminate all real or appearance of conflict.

#### Question Presented

You ask whether the proposal removes any conflict of interest under K.S.A. 46-216 *et seq.*

#### Opinion

We have reviewed K.S.A. 46-233 as well as the remaining sections of K.S.A. 46-215 *et seq.* and it is our opinion that the proposal you have made complies with all requirements of K.S.A. 46-215 *et seq.*

#### Advisory Opinion No. 92-38

Written October 22, 1992, to John Black, Black & Black Lawyers, Salina.

This opinion request is in response to your letter of October 8, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*).

#### Factual Statement

We understand you request this opinion in your capacity as legal counsel for Larry Turnquist, a representative to the Kansas Legislature. You advise us that Mr. Turnquist has decided not to run for office this year and has funds remaining. He is considering writing a letter to his friends and constituents thanking them for their support over the years. In addition to valedictory remarks, he wishes to include a specific recommendation and endorsement of Carolyn Weinhold, the party candidate for his seat. The letter could include campaign materials for Ms. Weinhold. In a similar vein, you have considered newspaper advertising which would contain both a statement of his appreciation and endorsement of Ms. Weinhold.

Although such a mailing or advertisement could clearly be of benefit to the Weinhold campaign, you believe that it would also serve the legitimate purpose of concluding his public service. All expenses would be paid from his campaign funds and reported in the usual manner.

#### Questions Presented

Your specific questions are:

- 1) Is public endorsement of another candidate an acceptable use of campaign funds?
- 2) Does this action necessitate termination of his campaign fund? Or, may he retain funds for later use?

#### Analysis and Opinion

K.S.A. 25-4157a states:

- (a) No moneys received by any candidate or candidate committee of any candidate as a contri-

bution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes or for expenses of holding political office. For the purpose of this section, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit a candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

(c) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157 and amendments thereto all residual funds not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.

It is our view that subsection (a) precludes the situation you have described. While we have no objection to the typical "thank you" advertisement, anything that supports another candidate is a personal use of funds and therefore prohibited.

On the second question, there is no requirement for termination of an account until the candidate decides to do so.

Richard C. Loux  
Chairman

Doc. No. 012691

(Published in the Kansas Register, November 12, 1992.)

**Summary Notice of Bond Sale  
of the City of Hutchinson, Kansas  
\$1,335,000**

**General Obligation Bonds  
Series 1992B**

**(general obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale, sealed bids will be received by the city clerk of Hutchinson, Kansas, on behalf of the governing body at 125 E. Avenue B, Hutchinson, until 9 a.m. Central Time on Tuesday, November 24, 1992, for the purchase of \$1,335,000 principal amount of General Obligation Bonds, Series 1992B. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 1992, and will become due on October 1 in the years as follows:

Year	Principal Amount
1993	\$ 25,000
1994	35,000
1995	45,000
1996	55,000
1997	65,000
1998	75,000
1999	90,000
2000	100,000
2001	105,000
2002	110,000
2003	110,000
2004	115,000
2005	125,000
2006	135,000
2007	145,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1993.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a certified check drawn on a bank located in the United States of America in the amount of \$26,700 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder by De-

cember 15, 1992, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1992 is \$135,873,135. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$20,315,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 694-2614, or from Gilmore & Bell, P.C., Bond Counsel, 6800 College Blvd., Financial Plaza II, Suite 150, Overland Park, KS 66211-1533, (913) 661-0001.

Dated November 3, 1992.

City of Hutchinson, Kansas  
By Vernon Stallman  
City Clerk  
Hutchinson City Hall  
125 E. Avenue B  
Hutchinson, KS 67501  
(316) 694-2614

Doc. No. 012707

(Published in the Kansas Register, November 12, 1992.)

**Notice of Bond Sale**

**\$170,000**

**City of Seneca**

**Nemaha County, Kansas**

**General Obligation Street and Sewer Bonds**

**Series 1992**

**(general obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated November 4, 1992, sealed bids will be received by the city clerk of the city of Seneca, Nemaha County, Kansas, on behalf of the city council of said city at the city clerk's office, City Hall, 6th and Main Streets, Seneca, KS 66538, until 4 p.m. C.S.T. on Wednesday, November 18, 1992, for the purchase of \$170,000 principal amount of General Obligation Street and Sewer Bonds, Series 1992. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof. The bonds will be dated November 15,



1992, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1993	\$20,000
1994	20,000
1995	25,000
1996	25,000
1997	25,000
1998	25,000
1999	30,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each

#### year, beginning on March 1, 1993. Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

#### Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1997, and thereafter, will be subject to redemption and payment prior to maturity on September 1, 1996, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, without premium, plus accrued interest to the redemption date. Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting ac-

count making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the city's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-614, 12-631(r), and 12-619 et seq., for the purpose of paying the cost of certain street and sewer improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property, real and personal, within the territorial limits of the city.

#### Condition of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,400 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of

(continued)

the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city council will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 4 p.m. on the date of sale will be returned to the bidder unopened.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk, from George K. Baum & Company, Kansas City, Missouri, or from bond counsel. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk of the city of Seneca and marked "Proposal for General Obligation Street and Sewer Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the city clerk's office in the city hall and must be received by the undersigned prior to 4 p.m. C.S.T. on November 18, 1992.

#### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city. The successful bidder shall make the application for said CUSIP numbers.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before December 1, 1992, at such bank or trust com-

pany in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity.

Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.S.T. on November 24, 1992. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 10 a.m. C.S.T. on November 24, 1992, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Official Statement

The city has prepared a preliminary official statement dated November 4, 1992, copies of which may be obtained from George K. Baum & Company, from the city clerk, or from bond counsel. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable, tangible property within the city, for the year 1992, is as follows:

Equalized assessed valuation of taxable, tangible property including the valuation of motor vehicles for 1991 (\$1,857,270) computed pursuant to K.S.A. 10-310, for computation of bond debt limitation .....	\$9,624,770
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The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$170,000. The city currently has outstanding temporary notes in the amount of \$154,000, which will be retired from the proceeds of the bonds.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel,



whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Opinion of Bond Counsel and Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable for correcting nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by adjusted current earnings, with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

Certain recipients of Social Security benefits are required to include a portion of such benefits within gross income by reason of receipt of interest on tax-exempt obligations, including the bonds.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds. The city does not intend to issue bonds in excess of \$10,000,000 during 1992.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain Railroad Retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships. Interest on the bonds is excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Bonds Not to be Rated

The bonds will not be rated by Standard & Poor's Corporation or Moody's Investors Service, Inc., or by any other bond rating service.

#### Additional Information

Additional information regarding the bonds may be obtained from George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, 1-800-821-7195; or from bond counsel, Fred W. Rausch,

(continued)

Jr., Suite 201, 220 S.W. 33rd, Topeka, KS 66611, (913) 267-3470.

Dated November 4, 1992.

The City Council of  
the City of Seneca  
Nemaha County, Kansas  
By Robert Ackerman  
City Clerk  
6th and Main Streets  
Seneca, KS 66538  
(913) 336-2747

Doc. No. 012701

## State of Kansas

### Kansas Racing Commission

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Friday, December 18, in the hearing room at commission offices, 3400 Van Buren, Topeka, to consider the adoption of proposed permanent amendments to regulations of the Kansas Racing Commission. This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed amendments.

K.A.R. 112-12-1 through and including 112-12-11. This set of proposed amendments implements changes to the Kansas-bred regulations that were recommended by the commission's official horse registering agency. The amendments add a definition section and clarify provisions relating to the classes of Kansas-bred horses. The individual regulations to be amended are as follows:

- 112-12-1. Definitions. (new regulation)
- 112-12-2. Kansas horse breeding development fund, stallion eligibility certificate.
- 112-12-3. Kansas horse breeding development fund, breeding report.
- 112-12-4. Kansas horse breeding development fund, mare eligibility certificate.
- 112-12-5. Classes of Kansas-bred horses.
- 112-12-6. Kansas horse breeding development fund, registration of class A, class B, and class C Kansas horses.
- 112-12-7. Registration of Kansas-domiciled horses.
- 112-12-8. Kansas-registered stallion awards.
- 112-12-9. Kansas-registered mare awards.
- 112-12-10. Kansas-bred or Kansas-owned races.
- 112-12-11. Kansas horse breeding development fund, registration and certificate of eligibility fees.

Economic impact: none known.

Dana Nelson  
Executive Director

Doc. No. 012696

## State of Kansas

### Kansas Advocacy and Protective Services

#### Notice of Meeting

The Kansas Advocacy and Protective Services will conduct a meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council at 10 a.m. Monday, November 16, at the Washburn University Law School, 17th and MacVicar, Topeka. Opportunity is provided for oral or written public comment on the priorities established by and activities of the protection and advocacy system. For more information, call (913) 776-1541.

John Strickler  
Executive Director

Doc. No. 012697

(Published in the Kansas Register, November 12, 1992.)

#### Notice of Redemption City of Holton, Kansas Sewer System Revenue Bonds Series 1982-A

Notice is hereby given that pursuant to the provision of Ordinance No. 1078 of the city of Holton, Kansas, passed and approved by the governing body thereof June 7, 1982, \$95,000 principal amount of bonds of the above-captioned issue will be redeemed and paid prior to maturity on December 1, 1992, through funds held pursuant to an Escrow Trust Agreement authorized and established by Ordinance No. 1156 of the city, which ordinance authorized the issuance of General Obligation Refunding and Improvement Bonds, Series 1987 of the city. On said date there will become due and payable upon each bond to be redeemed the principal amount thereof and accrued interest to said date, together with a premium of \$100 for each \$5,000 in principal amount of bonds so redeemed.

The bonds of said issue to be redeemed in whole are as follows:

Bonds numbered 32-50, inclusive, maturing December 1, 1993, to December 1, 1995, inclusive.

Payment of bonds to be redeemed will be made at the office of the Kansas State Treasurer, Topeka, Kansas, upon presentation and surrender of such bonds, together with all coupons, if any, appertaining thereto, maturing after the redemption date. To avoid a 20 percent backup withholding as otherwise required by law, bondholders should submit certified taxpayer identification numbers when presenting their bonds for collection.

From and after December 1, 1992, interest on the bonds to be redeemed will cease to accrue and be payable.

Dated as of this 2nd day of November, 1992, by order of the governing body of the city of Holton, Kansas.

Pat McClintock  
City Clerk

Doc. No. 012703

(Published in the Kansas Register, November 12, 1992.)

## NOTICE OF REDEMPTION

## Kansas Municipal Energy Agency

Electric Power Supply Project Revenue Bonds  
1982 Series A (Nearman Project)

\$16,900,000 Dated December 1, 1982 CUSIP 485268 AK2

NOTICE IS HEREBY GIVEN pursuant to the provisions of Article IV of Resolution No. 47 adopted by the Board of Directors of the Kansas Municipal Energy Agency, on December 16, 1982, that \$7,085,000 aggregate principal amount of the outstanding Kansas Municipal Energy Agency, Electric Power Supply Project Revenue Bonds, 1982 Series A (Nearman Project) 10.25% dated December 1, 1982 and maturing December 1, 1997, have been called for redemption on December 1, 1992 (the "Redemption Date") at a redemption price of 103% of the principal amount thereof plus interest accrued to the Redemption Date. The following bonds have been called:

## REGISTERED BOND NUMBERS

Registered Bonds	Principal Amount	Registered Bonds	Principal Amount	Registered Bonds	Principal Amount	Registered Bonds	Principal Amount	Registered Bonds	Principal Amount	Registered Bonds	Principal Amount	Registered Bonds	Principal Amount
R-4	\$ 20,000	R-87	\$ 5,000	R-120	\$ 5,000	R-128	\$ 5,000	R-137	\$ 5,000	R-168	\$ 5,000	R-190	\$ 10,000
R-12	20,000	R-103	5,000	R-121	5,000	R-129	5,000	R-152	5,000	R-169	5,000	R-193	20,000
R-29	20,000	R-108	80,000	R-122	5,000	R-130	5,000	R-155	100,000	R-170	5,000	R-195	5,000
R-30	10,000	R-113	10,000	R-123	5,000	R-132	100,000	R-156	100,000	R-171	5,000	R-196	10,000
R-38	10,000	R-116	5,000	R-124	5,000	R-133	100,000	R-164	5,000	R-177	5,000	R-197	5,000
R-42	5,000	R-117	5,000	R-125	5,000	R-134	100,000	R-165	5,000	R-182	5,000	R-198	5,000
R-83	50,000	R-118	5,000	R-126	5,000	R-135	100,000	R-166	5,000	R-183	10,000	R-201	5,000
R-84	50,000	R-119	5,000	R-127	5,000	R-136	5,000	R-167	5,000	R-189	20,000	R-203	15,000

## COUPON BOND NUMBERS

Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount	Coupon Bonds	Principal Amount
1688-1692	\$ 25,000	1971-1977	\$35,000	2160	\$ 5,000	2378-2389	\$ 60,000	2593-2600	\$ 40,000	2790-2794	\$ 25,000	3022	\$ 5,000
1694-1700	35,000	1981-1992	60,000	2162-2168	35,000	2391-2393	15,000	2602-2604	15,000	2797-2798	10,000	3024	5,000
1703-1709	35,000	1994-1996	15,000	2170	5,000	2395-2398	20,000	2606-2607	10,000	2800-2801	10,000	3033	5,000
1711-1714	20,000	1999-2003	25,000	2172-2184	65,000	2401-2408	40,000	2610-2612	15,000	2811-2824	70,000	3035-3040	30,000
1716-1719	20,000	2008-2011	20,000	2187-2191	25,000	2411-2413	15,000	2616-2618	15,000	2826-2834	45,000	3042-3045	20,000
1721-1733	65,000	2013-2014	10,000	2193-2195	15,000	2419	5,000	2622-2638	85,000	2836-2843	40,000	3047-3056	50,000
1735-1742	40,000	2016-2026	55,000	2198-2202	25,000	2422-2423	10,000	2640-2643	20,000	2845-2853	45,000	3058-3059	10,000
1744-1758	75,000	2028-2029	10,000	2204-2208	25,000	2425-2428	20,000	2645-2651	35,000	2855-2856	10,000	3061-3065	25,000
1760-1765	30,000	2031-2033	15,000	2210-2211	10,000	2431-2442	60,000	2654	5,000	2858	5,000	3068-3069	10,000
1767-1771	25,000	2038-2042	25,000	2213	5,000	2444-2451	40,000	2665-2669	25,000	2861-2872	60,000	3071-3074	20,000
1773-1781	45,000	2044	5,000	2215-2231	85,000	2453-2465	65,000	2671-2672	10,000	2874-2876	15,000	3076-3084	45,000
1783-1784	10,000	2047-2049	15,000	2233-2237	25,000	2467-2470	20,000	2674	5,000	2878	5,000	3086-3090	25,000
1786-1793	40,000	2051	5,000	2239	5,000	2472-2474	15,000	2676	5,000	2880-2882	15,000	3093-3096	20,000
1795-1799	25,000	2053-2068	80,000	2241	5,000	2476-2481	30,000	2678-2691	70,000	2886-2900	75,000	3098	5,000
1802-1826	125,000	2070-2077	40,000	2243-2247	25,000	2483	5,000	2694-2695	10,000	2902-2904	15,000	3104	5,000
1829-1830	10,000	2079	5,000	2249-2253	25,000	2486	5,000	2697	5,000	2906-2911	30,000	3106-3124	95,000
1832-1835	20,000	2081-2086	30,000	2255-2264	50,000	2488	5,000	2707-2709	15,000	2913-2921	45,000	3127-3136	50,000
1837-1838	10,000	2089-2090	10,000	2266-2267	10,000	2491-2495	25,000	2711-2716	30,000	2923-2928	30,000	3138-3139	10,000
1840	5,000	2093-2099	35,000	2269-2272	20,000	2498-2502	25,000	2719-2720	10,000	2930-2939	50,000	3141-3146	30,000
1846	5,000	2101-2103	15,000	2275-2279	25,000	2504-2512	45,000	2722-2730	45,000	2941-2946	30,000	3148-3150	15,000
1849-1857	45,000	2105-2107	15,000	2283-2287	25,000	2514-2515	10,000	2732-2733	10,000	2948-2952	25,000	3153-3155	15,000
1859	5,000	2109-2111	15,000	2289-2293	25,000	2517-2520	20,000	2735-2737	15,000	2954-2960	35,000	3157-3166	50,000
1862-1889	140,000	2113	5,000	2295-2300	30,000	2522-2535	70,000	2739-2743	25,000	2962	5,000	3195-3201	35,000
1891-1905	75,000	2115	5,000	2302	5,000	2537-2538	10,000	2745-2751	35,000	2964-2974	55,000	3203-3204	10,000
1907-1916	50,000	2117-2120	20,000	2304-2305	10,000	2540-2544	25,000	2754-2757	20,000	2976-2977	10,000	3206-3210	25,000
1920-1933	70,000	2123	5,000	2307-2314	40,000	2546-2553	40,000	2759	5,000	2981-2983	15,000	3229-3232	20,000
1935-1937	15,000	2125-2127	15,000	2316	5,000	2556-2558	15,000	2761-2762	10,000	2986	5,000	3234-3237	20,000
1939-1941	15,000	2130-2135	30,000	2318-2323	30,000	2560	5,000	2765-2768	20,000	2988	5,000	3239-3246	40,000
1943-1945	15,000	2137-2138	10,000	2325-2326	10,000	2562-2565	20,000	2770	5,000	2990	5,000	3248-3255	40,000
1948-1954	35,000	2144-2151	40,000	2328-2352	125,000	2569-2570	10,000	2772-2773	10,000	2992-3001	50,000	3257-3274	90,000
1956	5,000	2154-2156	15,000	2355-2358	20,000	2572-2576	25,000	2777	5,000	3003-3006	20,000	3276-3277	10,000
1958	5,000	2158	5,000	2360-2376	85,000	2578-2590	65,000	2788	5,000	3008-3011	20,000	3279-3280	10,000
1965-1969	25,000												

All such coupon bonds together with unmatured coupons thereunto appertaining and all such registered bonds should be presented for payment on the Redemption date at the principal corporate trust department of Commercial National Bank, Kansas City, as Trustee and Paying Agent for such bonds, located at 601 Minnesota Avenue, Kansas City, Kansas. The method of presentation and delivery of such bonds to the Trustee is at the option and risk of the owners of each bond. If mail is used, insured registered mail, return receipt requested, is suggested.

On and after December 1, 1992, interest on all such bonds called for redemption shall cease to accrue.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal or interest on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20% tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Owners of the above-described bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated:

## KANSAS MUNICIPAL ENERGY AGENCY

By: Commercial National Bank

Kansas City, Kansas, as Trustee

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This Notice of Redemption shall be published once a week for at least two successive weeks in (i) the official newspaper of the State of Kansas and (ii) any newspaper customarily published at least once a day for at least five days (other than legal holidays) in each calendar week, printed in the English language and of general circulation in the Borough of Manhattan, City and the State of New York, and which specialize in financial matters; the first such publication to be not less than thirty (30) days or more than sixty (60) days prior to the redemption date. The Trustee shall also mail such notice, postage prepaid, not less than twenty-five (25) days before the redemption date, to the registered owners of any Bonds or portions of Bonds which are to be redeemed, at their last addresses, if any, appearing upon the registry books, but such mailing shall not be a condition precedent to such redemption, and failure to so mail any such notice shall not affect the validity of the proceedings for the redemption of Bonds. Notice may also be given in accordance with guidelines set forth in Securities and Exchange Commission Release No. 34-23856.

State of Kansas

## Grain Inspection Department

Permanent Administrative  
Regulations

## Article 2.—INSPECTION DIVISION

**25-2-2.** (Authorized by K.S.A. 34-102, 34-235, 34-2,100; effective Jan. 1, 1966; revoked Dec. 28, 1992.)

**25-2-5.** (Authorized by K.S.A. 34-102, 34-2,100, K.S.A. 1979 Supp. 34-235; effective May 1, 1980; revoked Dec. 28, 1992.)

Lee Hamm  
Director

Doc. No. 012692

(Published in the Kansas Register, November 12, 1992.)

**Notice of Call for Redemption  
to the Registered Owners of  
Unified School District 468  
Lane County, Kansas (Healy)  
General Obligation Bonds  
Series 1985, Dated June 15, 1985**

Notice is hereby given that pursuant to the provisions of Section 3 of Resolution No. 105 of Unified School District 468, Lane County, Kansas (Healy) (the issuer), that the above mentioned bonds maturing December 15, 1993, and thereafter (the refunded bonds), have been called for redemption and payment on December 15, 1992 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

Maturity Date	Principal Amount	Interest Rate
12-15-93	\$145,000	8.10%
12-15-94	155,000	8.30%
12-15-95	170,000	8.50%
12-15-96	185,000	8.50%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 101 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

Unified School District 468  
Lane County, Kansas (Healy)  
By The Southwest National Bank  
of Wichita  
Wichita, Kansas  
as Escrow Trustee

Doc. No. 012702

State of Kansas

Kansas Agricultural Value-Added  
Processing Center

## Notice of Leadership Council Meeting

The Leadership Council of the Kansas Agricultural Value-Added Processing Center (KVAC) will meet from 9 a.m. to 3 p.m. Friday, November 13, at the KVAC office, 317 Umberger Hall, Kansas State University, Manhattan. For further information, contact Richard Hahn at (913) 532-7033.

Richard R. Hahn  
Director

Doc. No. 012708

(Published in the Kansas Register, November 12, 1992.)

**Notice of Partial Redemption  
City of Peabody, Kansas  
First Mortgage Elderly Housing  
Revenue Bonds  
Series 1977**

Notice is hereby given that pursuant to Section 3.01 and 5.04 of the Indenture of Trust and Mortgage from the city of Peabody, Kansas, and Housing Authority of the city of Peabody, Kansas, to Highland Park Bank and Trust, trustee, dated December 15, 1977, the trustee has called for redemption on December 15, 1992 (the redemption date), all of the remaining outstanding Series 1977 Term Bonds having a maturity date of December 15, 1993 through December 15, 2002 (the Series 1977 bonds maturing December 15, 2002 were called on June 15, 1992). All such outstanding bonds shall have a redemption price of 101½% of the principal amount thereof. All such outstanding bonds are to be paid interest accrued thereon to the redemption date.

On and after December 15, 1992, interest on the called Series 1977 Term Bonds shall cease to accrue.

Upon presentation and surrender of the coupon bonds to be redeemed with all appurtenant coupons maturing after the redemption date, payment of the redemption price thereof will be made on or after December 15, 1992. Coupons maturing on and prior to the redemption date should be detached and surrendered for payment in the usual manner.

The Series 1977 Term Bonds called for redemption should be surrendered for payment of the redemption price on or before the redemption date to the Highland Park Bank & Trust, Trust Department, 2100 S.E. 29th, P.O. Box 5228, Topeka, KS 66605-0228.

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before the redemption date to the above address. The method of delivery of the bonds for payment is at the election and risk of the holder, but, if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Dated November 15, 1992.

By: Highland Park Bank & Trust  
as Trustee

Doc. No. 012720

## State of Kansas

## Social and Rehabilitation Services

## Request for Proposals

The Department of Social and Rehabilitation Services is soliciting proposals from a private not-for-profit or for-profit organization incorporated in the state of Kansas for a training package for foster care/adoption social workers and community mental health therapists on the use of a treatment model for families who adopt sexually abused children, being designed by Helen Swan, L.S.C.S.W.; and the design and delivery of seminars for foster and adoptive parents of sexually abused children.

Details of the request for proposals are available from Barbara K. Stodgell, Community Resource Development Unit, Youth and Adult Services, (913) 296-4661. Responses are due no later than 5 p.m. November 30.

Carolyn Risley Hill  
Commissioner

Doc. No. 012711

## State of Kansas

Department of Wildlife  
and ParksPermanent Administrative  
Regulations

## Article 8.—DEPARTMENT LANDS AND WATERS

**115-8-6. Fishing, fish bait and seining.** Fishing and the taking of fishing bait shall be allowed on department lands and waters, subject to the following general restrictions:

(a) Fishing shall be prohibited on boat ramps and in swimming areas and on swimming beaches that have been posted as swimming areas or swimming beaches and delineated by buoys or other markers;

(b) minnows and other fishing bait may be taken for use as fishing bait only on a non-commercial basis and may be used only in the areas where taken;

(c) seining in department owned waters shall be prohibited;

(d) the cleaning of fish in state parks shall occur only at designated fish cleaning stations or other locations as established by the department;

(e) the use of trot lines and set lines shall be prohibited in the waters of state fishing lakes, Crawford state park, Meade state park and Scott state park; and

(f) additional restrictions as established by posted notice. (Authorized by K.S.A. 1991 Supp. 32-807; implementing K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-1015; effective Dec. 4, 1989; amended Dec. 28, 1992.)

Ted Ensley  
Secretary of Wildlife  
and Parks

Doc. No. 012695

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 61.—LICENSURE OF SPEECH LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS

**28-61-1. Definitions.** (a) "American speech-language-hearing association" means the national professional association which accredits academic and clinical practicum programs and continuing education sponsors in speech-language pathology and audiology and issues a certificate of clinical competence in speech-language pathology and audiology.

(b) "Department" means the Kansas department of health and environment. (Authorized by and implementing K.S.A. 1991 Supp. 65-6503; effective Dec. 28, 1992.)

**28-61-2. Qualifications for licensure.** (a) To determine whether an applicant has received at least a master's degree and completed a supervised clinical practicum in the area for which the applicant seeks licensure pursuant to K.S.A. 1991 Supp. 65-6505(a) and (b), consideration shall be given to whether the academic course of study and practicum content is accredited by the American speech-language-hearing association or is deemed equivalent to the course of study and practicum content of Kansas universities by the secretary.

(b) Each applicant who received at least a master's degree or completed a supervised clinical practicum, or both, from a program not accredited by the American speech-language-hearing association shall obtain an equivalency validation of the academic course of study or practicum content, or both, from a Kansas college or university with a speech-language pathology or audiology program accredited by the American speech-language-hearing association.

(c) To determine whether an applicant has complied with the requirement that the degree be from an educational institution with standards consistent with the standards of Kansas universities pursuant to K.S.A. 1991 Supp. 65-6505(a), consideration shall be given to whether the institution is accredited by an accrediting body recognized by the council on postsecondary accreditation or the secretary of the U.S. department of education or is deemed equivalent by the secretary.

(d) Each applicant who received at least a master's degree outside the United States or its territories whose transcript is not in English shall submit an officially translated English copy of the applicant's transcript and, where necessary, supporting documents. The transcript shall be translated by a source and in a manner that is acceptable to the secretary.

(e) Each applicant who received at least a master's degree outside the United States or its territories shall obtain an equivalency validation from an agency approved by the secretary that specializes in educational credential evaluations.

(continued)

(f) "Equivalent" with reference to a master's degree pursuant to K.S.A. 1991 Supp. 65-6505(a) means a bachelor's degree and at least 42 postbaccalaureate semester hours acceptable toward a master's degree, of which at least 30 semester hours must be in the areas of speech-language pathology, audiology, or speech-language and hearing science. At least a 3.0 grade point average shall be obtained in the postbaccalaureate semester hours. At least 21 of these 42 semester hours must be obtained from a single college or university, none may have been completed more than 10 years prior to the date of application, and no more than six semester hours may be credit offered for clinical practicum.

(g) Each applicant who has completed graduate hours toward a master's degree but has not received at least a master's degree shall obtain a master's equivalency validation from a Kansas college or university with a speech-language pathology or audiology program accredited by the American speech-language-hearing association.

(h) Each applicant who received an equivalency with reference to a master's degree whose academic course of study or supervised clinical practicum or both was not from an American speech-language-hearing association accredited program shall obtain an equivalency validation from a Kansas college or university with a speech-language pathology or audiology program accredited by the American speech-language-hearing association.

(i) Each applicant shall pay any transcription or equivalency validation fee directly to the transcriber or the validating agency.

(j) The supervised clinical practicum required by K.S.A. 65-6505(b) shall be at least 300 hours in the area in which licensure is sought until December 31, 1993. On and after January 1, 1994, the supervised clinical practicum shall be at least 375 hours, at least 250 of which shall be earned at the graduate level in the area in which licensure is sought.

(k) Each applicant, after completing the requirements in K.S.A. 1991 Supp. 65-6505(a) and 65-6505(b), shall successfully complete a supervised postgraduate professional experience requirement in the area for which the applicant seeks licensure. The applicant may complete the requirement on a full-time or part-time basis.

(1) "Full-time" means 30 hours per week for nine months.

(2) "Part-time" means 15 to 19 hours per week for 18 months, or 20 to 24 hours per week for 15 months, or 25 to 29 hours per week for 12 months.

(3) Each applicant working full-time shall spend 80 percent of the week in direct client contact and activities related to client management.

(4) Each applicant working part-time shall spend 100 percent of the week in direct client contact and activities related to client management.

(5) "Direct client contact" means assessment, diagnosis, evaluation, screening, habilitation, or rehabilitation of persons with speech, language, or hearing handicaps.

(6) Each postgraduate professional experience supervisor shall hold a current Kansas speech-language pathology or audiology license or, if the experience was completed in another state, a current license in that state, or the certificate of clinical competence issued by the American speech-language-hearing association. The supervisor's license or certificate must be in the area for which the applicant seeks licensure.

(7) The supervisor shall evaluate the applicant on no less than 36 occasions of monitoring activities with a minimum of four hours per month. At least 18 onsite observations with a minimum of two hours per month shall be made by the supervisor.

(8) Monitoring occasions may include onsite observations, conferences in person or on the telephone, evaluation of written reports, evaluations by professional colleagues, or correspondence.

(9) The supervisor shall maintain careful written records of all contacts and conferences during this period. If the supervisor feels that the applicant is not providing satisfactory services at any time during the period, the supervisor shall inform the applicant in writing and make written reports to the applicant during the period of resolution.

(1) Each applicant shall successfully pass the specialty area test of the national teacher examination of the educational testing service in the area for which licensure is being sought. The passing score for the examination shall be 600.

(1) The educational testing service shall administer the examinations at least twice a year within Kansas.

(2) Each applicant shall register to take the examination through the educational testing service, pay the examination fee directly to the educational testing service, and request that the test score be sent directly to the department from the educational testing service. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6505; effective Dec. 28, 1992.)

**28-61-3. Application for a license.** (a) Each applicant applying for a license shall submit to the department a completed department-prescribed application form, requested supporting documentation showing completion of all qualifications for licensure and the appropriate fee prescribed by K.A.R. 28-61-9.

(b) Each applicant shall provide to the department the applicant's academic transcripts and proof of receipt of at least a master's degree. These documents shall be provided directly to the department by the academic institution.

(c) Each applicant who seeks licensure in both speech-language pathology and audiology shall submit a separate application for each license, meet qualifications for each license and pay the fee for each license.

(d) On December 31, 1992, any person who meets the qualifications for license pursuant to K.S.A. 1991 Supp. 65-6506(d) and whose last name begins with A-L may apply for a license. On June 1, 1993, any person who meets the qualifications for a license pursuant to K.S.A. 1991 Supp. 65-6506(d) and whose last name begins with M-Z may apply for a license. (Authorized



by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6506; effective Dec. 28, 1992.)

**28-61-4. Application for a temporary license.** (a) Each applicant who has completed the education and clinical practicum pursuant to K.S.A. 1991 Supp. 65-6505(a) and 65-6505(b) but has not completed a supervised postgraduate professional experience or examination, or both, shall apply for a temporary license.

(b) Each applicant applying for a temporary license shall submit to the department a completed department-prescribed application form, requested supporting documentation showing completion of education and clinical practicum and the appropriate fee prescribed by K.A.R. 28-61-9.

(c) Each applicant shall provide to the department the applicant's academic transcripts and proof of receipt of at least a master's degree. These documents shall be provided directly to the department by the academic institution.

(d) Each applicant seeking a temporary license for the purpose of completing a supervised postgraduate professional experience shall receive a temporary license before beginning the supervised postgraduate professional experience.

(1) Each applicant shall provide to the department a plan for completion of the supervised postgraduate professional experience which has been signed by a supervisor holding a current Kansas license in the area in which the applicant seeks licensure.

(2) Each applicant shall report any changes in the plan to the department.

(3) At the conclusion of the experience, each supervisor shall sign and submit to the department a report which documents satisfactory completion of the supervised postgraduate professional experience.

(e) To renew a temporary license, each applicant shall submit to the secretary a letter of appeal, supporting documentation showing that the examination or supervised professional experience, or both, was not completed and the temporary licensure fee prescribed by K.A.R. 28-61-9.

(f) Each applicant who seeks temporary licensure in both speech-language pathology and audiology shall submit a separate application for each temporary license, meet the qualifications for each temporary license and pay the fee for each temporary license. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6506; effective Dec. 28, 1992.)

**28-61-5. License renewal.** (a) Each applicant for renewal of a license shall submit a completed department-prescribed application form, requested supporting documentation and the license renewal fee prescribed by K.A.R. 28-61-9.

(b) Each applicant for renewal of a license shall have completed 20 clock hours of documented and approved continuing education during each two-year renewal period. Approved continuing education clock hours completed in excess of the 20-hour requirement shall not be carried over to the subsequent renewal period.

(c) Each applicant seeking renewal of licenses held in both speech-language pathology and audiology shall

have completed 30 clock hours of documented and approved continuing education during each two-year renewal period. A minimum of 10 clock hours shall be earned in each discipline. Approved continuing education clock hours completed in excess of the 30-hour requirement shall not be carried over to the subsequent renewal period.

(d) Each applicant shall maintain individual records, documentation and validation of approved continuing education clock hours, a summary of which shall be submitted to the department on the prescribed form as part of the license renewal application.

(e) For the purpose of measuring continuing education credit, "one clock hour" means 50 minutes, exclusive of breaks or meals.

(f) The content and objective of the continuing education activity shall be primarily related to the practice of speech-language pathology as defined by K.S.A. 65-6501(c) or the practice of audiology as defined by K.S.A. 65-6501(f).

(1) The educational activity shall be for the purpose of furthering the applicant's education in one of the following three content areas:

(A) Basic communication processes, including information applicable to the normal development and use of speech, language, and hearing. Issues related to this content area include but are not limited to:

(i) anatomic and physiologic bases of the normal development and use of speech, language, and hearing;

(ii) physical bases and processes of the production and perception of speech, language, and hearing;

(iii) linguistic and psycholinguistic variables related to normal development and use of speech, language, and hearing; and

(iv) technological, biomedical, engineering, and instrumentation information;

(B) Professional areas, including information pertaining to disorders of speech, language, and hearing. Issues related to this content area include but are not limited to:

(i) various types of communication disorders, their manifestations, classification, and causes;

(ii) evaluation skills, including procedures, techniques, and instrumentation for assessment; and

(iii) management procedures and principles in habilitation and rehabilitation of communication disorders; or

(C) Related areas, including study pertaining to the understanding of human behavior, both normal and abnormal, as well as services available from related professions which apply to the contemporary practice of speech-language pathology, audiology or both. Issues related to this content area include but are not limited to:

(i) theories of learning and behavior;

(ii) services available from related professions that also deal with persons who have disorders of communications;

(iii) information from these professions about the sensory, physical, emotional, social, or intellectual states of child or adult; and

(continued)

(iv) other areas such as general principles of program management, professional ethics, clinical supervision, counseling, and interviewing.

(2) Unacceptable content areas include, but are not limited to, marketing, personal development, time management, human relations, collective bargaining, and tours.

(3) The educational activity shall not be a part of the applicant's job responsibilities. Inservice shall be considered part of the applicant's job responsibilities.

(g) Continuing education may be accrued by the following methods:

(1) Academic course work related to the contemporary practice of speech-language pathology or audiology, offered by a regionally accredited college or university and documented by transcript or grade sheet.

(A) One academic-semester credit hour shall be equivalent to 15 clock hours of continuing education. One academic-trimester credit hour shall be equivalent to 14 clock hours of continuing education. One academic-quarter credit hour shall be equivalent to 10 clock hours of continuing education.

(B) One audited academic-semester credit hour shall be equivalent to eight clock hours of continuing education. One audited academic-trimester credit hour shall be equivalent to seven clock hours of continuing education. One audited academic-quarter credit hour shall be equivalent to five clock hours of continuing education;

(2) Workshops, seminars, and educational sessions sponsored by an organization, agency, or other entity which has been approved by the secretary.

(A) One clock hour of contact between a presenter or instructor and the applicant shall be equivalent to one clock hour of continuing education for the applicant.

(B) Contact time shall be rounded down to the nearest one-half hour interval;

(3) Preparation and presentation of a new seminar, lecture, or workshop.

(A) "New" means the applicant is preparing and making the presentation for the first time in any setting.

(B) Credit shall be awarded only for the first presentation at the rate of two clock hours of continuing education for every one clock hour of contact between the instructor and attendees.

(C) If the presentation was presented by more than one instructor, the continuing education clock hours shall be prorated among the instructors.

(D) If the sponsor of the workshop, seminar, or lecture did not obtain prior approval from the secretary, the applicant has the responsibility of presenting documentation for the secretary's subsequent approval for continuing education credit;

(4) Preparation and presentation of a new graduate course in speech-language pathology or audiology at an accredited college or university.

(A) "New" means the applicant is teaching the course for the first time in any setting.

(B) Six clock hours of credit shall be awarded per new course, up to a maximum of 12 clock hours.

(C) If the course was prepared by more than one instructor, the continuing education clock hours shall be prorated among the instructors;

(5) Supervision of a postgraduate professional experience pursuant to K.A.R. 28-61-2 and K.A.R. 28-61-4.

(A) The licensee's name and signature shall appear as the supervisor on the temporary license application submitted by the supervisee in accordance with K.A.R. 28-61-4(d)(1).

(B) Five clock hours of credit per supervisee shall be awarded to the licensee.

(C) The maximum amount of credit awarded for the supervision of a postgraduate professional experience shall be five clock hours per licensee per two-year renewal period.

(D) The licensee seeking continuing education credit shall apply for subsequent approval pursuant to subsection (1) of this regulation;

(6) Self-directed study courses that are directly oriented to improving the applicant's professional competence and are approved by the secretary.

(A) Self-directed study courses shall receive prior approval from the secretary.

(B) Courses shall be sponsored by a nationally-recognized professional organization in audiology or speech-language pathology and shall be accompanied by an examination or measurement tool to determine successful completion of the course.

(C) Self-study materials may include audiotapes, videotapes, and study kits.

(D) One clock hour of time required to complete the self-directed study material, as specified by the sponsor of the material, shall be equivalent to one clock hour of continuing education; or

(7) Obtaining a minimum score of 600 on the examination in speech-language pathology or audiology offered through the national teacher examination of the national testing service of Princeton, New Jersey.

(h) Continuing education sponsors seeking prior approval for a continuing education activity shall apply to the secretary who may grant approval by one of the following methods.

(1) An organization, institution, agency, or individual shall be qualified for approval as a sponsor of continuing education activities if, after review of the prescribed application, the secretary determines that:

(A) the sponsor presents organized programs of learning;

(B) the sponsor presents subject matters which integrally relate to the practice of speech-language pathology or audiology, or both;

(C) the sponsor's program activities contribute to the professional competency of the licensee; and

(D) the sponsor's program presenters are individuals who have education, training or experience which qualifies them to present the subject matter of the programs; or

(2) An organization, institution, agency or individual shall be qualified for approval as a sponsor of contin-



uing education if the American speech-language-hearing association has approved the organization, institution, agency or individual as a continuing education sponsor.

(i) For documentation purposes, all approved continuing education sponsors that received approval by the method outlined in subsection (h)(1) shall:

(1) issue a certificate of attendance to each licensee who attends a continuing education activity. The certificate shall state the sponsor's name and approval number, the date of the program, the name of the participant, the total number of clock hours of the program excluding introductions, breaks and meals, the program's title and its presenter, the program site and whether the program is approved for speech-language pathology or audiology, or both; and

(2) provide to the department, on a form provided by the department, a list of attendees, license numbers and the number of continuing education clock hours completed by each licensee within 30 days of completion of each continuing education activity.

(j) For documentation purposes, all licensees who attend a continuing education activity provided by an approved continuing education sponsor that received approval by the method outlined in subsection (h)(2) shall submit to the department:

(1) the letter of confirmation received from the continuing education registry of the American speech-language-hearing association which includes the licensee's name, address and social security number, the course title, sponsor's name, and number of continuing education units awarded; or

(2) the licensee's transcript from the continuing education registry of the American speech-language-hearing association.

(3) One continuing education unit shall be equivalent to 10 clock hours of continuing education.

(k) All approved continuing education sponsors that received approval by the method outlined in subsection (h) (1) shall reapply to the secretary annually to maintain the designation as an approved sponsor. The application, on a form provided by the department, shall require a list of all continuing education programs provided by the approved sponsor during the previous year and additional documentation deemed necessary by the secretary to ensure that the approved sponsor is meeting or exceeding the standards set forth in these regulations.

(l) A licensee who completes a continuing education activity that was not sponsored by an approved continuing education sponsor may submit information and documentation to the department, on a form provided by the department, requesting subsequent approval for an activity that has already taken place. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6506; effective Dec. 28, 1992.)

**28-61-6. Application for person with license issued by another state.** (a) Each applicant applying for a license who is presently or has been licensed in another state shall submit a completed department-prescribed application form with the license fee prescribed by K.A.R. 28-61-9.

(b) Each application shall be evaluated by comparing the qualifications met to obtain the original license, and any subsequent licenses, with the current qualifications for Kansas licensure. The qualifications of one of the states which issued a license shall be equal to or in excess of the Kansas licensure qualifications at the time the applicant seeks a Kansas license. If the qualifications are not equal to or exceed current Kansas qualifications, the applicant shall submit documentation verifying that the applicant meets current Kansas qualifications.

(c) Each applicant shall be in good standing with each licensing agency that has issued a license to the applicant.

(d) "Good standing" means:

(1) the applicant's license is not under any administrative proceeding; and

(2) the applicant's license is not under any disciplinary action. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6506; effective Dec. 28, 1992.)

**28-61-7. Reinstatement of a lapsed license.** (a) Each applicant whose license has lapsed shall pay the reinstatement fee and license renewal fee prescribed by K.A.R. 28-61-9.

(b) Each applicant whose license has lapsed shall, for the purpose of reinstatement, submit documentation showing completion of 10 clock hours of continuing education for each year the license is considered lapsed, in addition to the 20 clock hours of continuing education required for license renewal.

(c) Each applicant whose license is lapsed for any portion of any year shall, for the purpose of reinstatement, submit documentation of completion of 10 clock hours of continuing education, in addition to the 20 clock hours of continuing education required for license renewal. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6506; effective Dec. 28, 1992.)

**28-61-8. Assistants.** (a) Each speech-language pathology assistant and audiology assistant shall:

(1) Have received a high school diploma or equivalent;

(2) complete a training program conducted by a Kansas licensed speech-language pathologist or audiologist. This training shall include, but is not limited to:

(A) ethical and legal responsibilities;

(B) overview of the speech, language, and hearing disorders;

(C) response discrimination skills;

(D) behavior management;

(E) charting of behavioral objectives and record keeping;

(F) teaching principles, where applicable for the employment setting; and

(G) other skill training as required by the employment setting; and

(3) receive ongoing supervised training by a Kansas-licensed speech-language pathologist or audiologist for a minimum of one hour per month.

(b) Speech-language pathology assistants or audiology assistants may:

(continued)

(1) Deliver programs and procedures that are planned, designed, and supervised by the Kansas licensed speech-language pathologist or audiologist;

(2) record, chart, graph, report or otherwise display data relative to client performance, using behavior modification charting and graphing when appropriate;

(3) participate with the Kansas licensed speech-language pathologist or audiologist in research projects, public relations programs or similar activities;

(4) perform clerical duties;

(5) prepare instructional materials; and

(6) monitor hearing aids and other equipment.

(c) Speech-language pathology assistants or audiologist assistants shall not:

(1) Diagnose or write treatment plans for individuals with speech, language or hearing disorders;

(2) interpret or discuss confidential information or test results, despite the fact that this information may be requested by the client, a family member, or referring agent; or

(3) perform any procedure for which the assistant is not qualified, has not been adequately trained or is not receiving adequate supervision.

(d) Each assistant shall be supervised by a Kansas licensed speech-language pathologist or audiologist. The supervisor shall be licensed to practice in the field in which the assistant is providing services.

(1) Each supervisor is responsible for determining that the assistant is satisfactorily qualified and prepared for the duties assigned to the assistant.

(2) Each supervisor shall obtain, retain and maintain on file documentation of the assistant's qualifications and training outlined in subsection (a).

(3) Only the supervisor shall exercise independent judgment in performing professional procedures for the client. The supervisor shall not delegate the exercise of independent judgment to the assistant.

(e) Each supervisor shall directly supervise at least 10 percent of the assistant's client contact time. No portion of the assistant's direct client contact shall be counted toward the ongoing training required in subsection (a).

(f) "Direct supervision" means the physical presence of the supervisor while the assistant is in contact with the client.

(g) Each supervisor shall, within 30 days of employing an assistant, submit written notice to the department of the assistant's name, employment location and verification that the assistant meets the established qualifications listed in subsection (a). Each supervisor shall notify the department of any change in the status of an assistant.

(h) Each supervisor shall:

(1) develop a system to evaluate the performance level of each assistant under the supervisor's supervision;

(2) retain and maintain on file documentation of the performance level of each assistant supervised; and

(3) report to the department at the time of the supervisor's license renewal, on a department prescribed form, the name and employment location of each assistant.

(i) Certified audiometric technicians who perform tympanometry screening or behavior observation audiometry and play audiometry for infants and toddlers, or both, shall be considered assistants and shall comply with the qualifications for assistants set forth in subsection (a) of this regulation.

(1) Each certified audiometric technician who is a professional or practical nurse licensed by the board of nursing or a licensed speech-language pathologist is exempt from this regulation.

(2) Each certified audiometric technician described in subsection (i) of this regulation who is an education paraprofessional assigned to a licensed nurse or licensed speech-language pathologist shall be supervised in accordance with subsection (j) of this regulation.

(j) Each certified audiometric technician described in subsection (i) of this regulation shall be supervised by a licensed audiologist at least 10 percent of the certified audiometric technician's client contact time in accordance with subsections (d), (f) and (g) of this regulation.

(k) "Certified audiometric technician" means a person who holds a certificate of competency issued by the Kansas department of education. (Authorized by K.S.A. 1991 Supp. 65-6503; implementing K.S.A. 1991 Supp. 65-6501; effective Dec. 28, 1992.)

**28-61-9. Fees.** (a) The license fee shall be \$135.00.

(b) The temporary license fee shall be \$65.00.

(c) The license renewal fee shall be \$135.00.

(d) The late license renewal fee shall be \$50.00.

(e) The license reinstatement fee shall be \$135.00. (Authorized by and implementing K.S.A. Supp. 1991 65-6512; effective Dec. 28, 1992.)

**28-61-10. Change of name or address.** (a) Each licensee shall notify the department of any name or address change within 15 days of the change.

(1) Notice of each address change shall be submitted to the department in writing and shall include the licensee's name, license number, previous mailing address and new mailing address.

(2) Notice of each name change shall be submitted to the department in writing, shall include the licensee's previous name, new name and license number and shall be accompanied by a notarized copy of a marriage certificate, court decree evidencing the change or a social security card reflecting the new name.

(b) Each licensee seeking a replacement license or license renewal card, or both, shall submit a department-prescribed form for each, and return, if possible, the most recently issued license or license renewal card, or both. (Authorized by and implementing K.S.A. 1991 Supp. 65-6503; effective Dec. 28, 1992.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 012694

## State of Kansas

## Board of Cosmetology

Permanent Administrative  
Regulations

## Article 3.—SCHOOLS

**69-3-2. Twenty-five student applications necessary, excluding transfer students; new school not open to public first two months.** (a) To obtain a license for a new school of cosmetology the applicant shall submit 25 student applications. No transfer student or students having had previous cosmetology training may be enrolled until at least two months after the issuance of the school's license. The new school shall not be open to the public until two months after the issuance of the school's license.

(b) This regulation shall be applicable only to new schools of cosmetology. A new school of cosmetology is one which has not previously been operated as a school of cosmetology. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended Dec. 28, 1992.)

**69-3-11. School curriculum only; transfer and sale of school; display of license; school owner-only instructor.** (a) No school shall be conducted as a shop. No shop shall be conducted as a school. All shops owned and operated by the owner of a school shall be maintained entirely separate and apart from the school.

(b) The license for a school shall be valid only for the location named in the license. The management of a school shall immediately notify the board in writing of the sale, transfer or change of ownership and management of a school.

(c) Each school shall display in a conspicuous place its current school license.

(d) If the owner of a school is also the only instructor, the owner shall function in the school as a full-time instructor of cosmetology. (Authorized by and implementing K.S.A. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; amended Dec. 28, 1992.)

## Article 6.—BEAUTY SHOPS

**69-6-5. Display of sign.** Each beauty shop shall display a sign visible from the street indicating that it is a place where the profession of hair dressing, beauty culture, cosmetology or manicuring is practiced. This requirement shall not be applicable to home beauty shops if it conflicts with local laws. (Authorized by and implementing K.S.A. 1991 Supp. 65-1904a; effective Jan. 1, 1966; amended Dec. 28, 1992.)

## Article 11.—FEES

**69-11-1. Fees.** The following fees shall be charged:

Cosmetology license renewal (2 yr.)	\$25.00
Delinquent cosmetology fee	4.00
Cosmetology technician license (2 yr.)	19.00
Delinquent cosmetology technician fee	4.00
Three-year senior cosmetology license	36.00
Manicurist license renewal (2 yr.)	21.00
Delinquent manicurist fee	4.00

Electrologist license renewal (2 yr.)	25.00
Delinquent electrologist fee	4.00
Apprentice license	10.00
Additional training license	10.00
Cosmetologist's examination fee	15.00
Cosmetology technician's examination fee	15.00
Electrologist's examination fee	15.00
Manicurist's examination fee	15.00
Out-of-state examination fee	35.00
New school license	100.00
School license renewal	30.00
Delinquent school license fee	10.00
New beauty salon license	30.00
Beauty salon license renewal	20.00
Delinquent beauty salon license fee	6.00
Transfer of beauty salon license	10.00
New manicuring salon license	30.00
Manicuring salon license renewal	20.00
Delinquent manicuring salon license fee	6.00
Transfer of manicuring salon license	10.00
New electrology clinic license	30.00
Electrology clinic license renewal	20.00
Delinquent electrology clinic license fee	6.00
Transfer of electrology clinic license	10.00
Out-of-state affidavit	2.00
Any duplicate license	2.00

This regulation shall be effective on January 1, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 65-1904; effective, E-76-44, Sept. 5, 1975; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1981; amended May 1, 1982; amended, T-83-21, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-88-60, Dec. 28, 1987; amended May 1, 1988; amended Jan. 1, 1993.)

Nancy Shobe  
Executive Director

Doc. No. 012709

## State of Kansas

## Social and Rehabilitation Services

Permanent Administrative  
Regulations

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-52. Act in own behalf.** (a) Emancipated minor. An emancipated minor is a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the right to manage personal affairs in one of the following ways:

(1) By court action which conferred the rights of majority on the minor;

(2) by an oral or written agreement which terminates the rights of parental control, the parents' right to claim the minor's earnings, and the parents' legal obligation to support the minor, unless the actions of the parties are contrary to the agreement; or

(3) by actions of the minor which terminate the rights mentioned in paragraph (2) above.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf. Incapacitated persons or minors shall not be eligible to receive assistance unless a conservator or a caretaker relative applies for assistance on

(continued)

that person's behalf. Emancipated minors shall be eligible to receive assistance on their own behalf. When there has been no court action or marriage and an emancipated minor becomes dependent on a parent for support or comes under parental control, the minor shall no longer be considered emancipated. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993.)

**30-4-55. Cooperation.** (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker relative shall cooperate with the agency in the establishment of eligibility as provided in K.A.R. 30-4-39. Failure to provide information necessary to determine eligibility shall render the assistance family ineligible for assistance.

(b) Monthly status report. Each recipient shall file a monthly status report on or before the 5th day of each calendar month. An additional five calendar days shall be allowed as an administrative period, before the report is considered to be untimely, to allow for delays in mail service, weekends and holidays.

(c) Social security number. Each applicant or recipient shall provide the agency with the applicant's or recipient's social security number. Failure to provide the number, or failure to apply for a number if the applicant or recipient has not previously been issued a number, shall render the applicant or recipient ineligible for assistance.

(d) Paternity and support. The caretaker relative who is applying for or receiving assistance shall cooperate with the agency in establishing the paternity of any child born out-of-wedlock for whom assistance is claimed, and in obtaining support payments for the caretaker relative and for any child for whom assistance is claimed. Failure to cooperate shall render the caretaker relative ineligible for assistance unless the caretaker relative demonstrates good cause for refusing to cooperate. Cooperation includes:

(1) Appearing at the local child support enforcement office, as necessary, to provide information or documentation needed to establish paternity of a child born out-of-wedlock, to identify and locate the absent parent, and to obtain support payments;

(2) appearing as a witness at court or at other proceedings necessary to achieve the child support enforcement objectives;

(3) forwarding to the child support enforcement unit any support payments received from the absent parent which are covered by the support assignment; and

(4) Providing information, or attesting to the lack of information, under penalty of perjury.

(e) Potential resources. Each applicant or recipient shall cooperate with the agency in obtaining any resources due the applicant, recipient or child for whom assistance is claimed. This requirement includes cooperation with the group health plan enrollment process in accordance with K.A.R. 30-6-55(f). Failure to

cooperate without good cause shall render the applicant or recipient ineligible for assistance.

(f) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for assistance. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1982; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 4, 1993.)

**30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** (a) Each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50, and the specific eligibility requirements set forth below, in order to be eligible for GAU.

(1) Each applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GAU if the applicant or recipient:

(A) Is eligible for a federal program; or

(B) has been rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient.

(2) Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GAU:

(A) Parents and their minor children who are living together, if the parents are not voluntarily unavailable for employment. A person shall not be considered voluntarily unavailable for employment if the person is attending high school full-time or is participating in an agency-approved, work-related activity. Assistance under this provision may not be denied solely because a person is participating in post-secondary education or training activities during other than normal working hours. Assistance under this provision shall also be granted to non-ADC children who are living with a conservator or a personal representative who is not within the degree of relationship for ADC;

(B) a person who has been medically or psychologically determined to be physically or mentally incapacitated based on conditions as defined by the secretary;

(C) a person whose presence is required at home because of a verified, medically-determined condition of another member of the home whose condition does not permit self-care and who meets the criteria of subparagraph (2) (B) above, and when the care is not available from another person in the home;

(D) a woman who is pregnant and not eligible for APW. The father of the unborn child shall also be included in the same assistance plan if they are living together. Neither the pregnant woman nor the father shall be voluntarily unavailable for employment;

(E) a parent or parents of a child who has been removed from the home and placed in foster care, if there is an agency-approved plan to return the child to the home; or

(F) a child in a family group who is not otherwise eligible for assistance as a result of an established period of ineligibility resulting from the provisions of K.A.R. 30-4-58(d), K.A.R. 30-4-63(e), K.A.R. 30-4-64(d), or K.A.R. 30-4-110(c)(8) if there is an approved social service plan substantiating that the child is facing imminent removal from the home and placement into a foster care arrangement if assistance is not reinstated. Assistance shall be provided in accordance with the social service plan, which shall not exceed the budget deficit for the family group.

(3) The needs of the applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not otherwise eligible. The needs of certain persons in the family group who are not otherwise eligible shall be excluded in determining eligibility for GAU. However, the resources of certain persons in the family group shall, unless the resources are specifically exempt, be included in determining eligibility for GAU. Such persons include:

(A) SSI recipients;

(B) persons who are ineligible due to the receipt of lump sum income;

(C) persons who are ineligible due to a sanction;

(D) minor parents whose needs are met through foster care payments; and

(E) aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b) A presumptive eligibility determination shall be made for persons who are being released from a medicaid-approved psychiatric hospital or from the Larned correctional mental health facility in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100 percent of the applicable GAU budgetary standards and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not exceed the month of discharge and the two following months. Assistance under this provision may be extended by the department beyond the three-month limitation for good cause.

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GAU provided the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GAU. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended, E-82-11, June

17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992.)

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**30-5-71. Co-payment requirements.** (a) Except as set forth in subsection (b), program recipients shall be obligated to the provider for co-payment.

(1) Co-payment for inpatient general hospital services shall be \$25.00 per admission.

(2) Co-payment for outpatient general hospital services shall be \$1.00 per non-emergency visit in place of a doctor's office visit.

(3) Co-payment for inpatient free-standing psychiatric facility services shall be \$25.00 per admission.

(4) Co-payment for other medical services subject to co-payment shall be based upon the following ranges:

average medicaid/medikan payment for services	maximum copayment chargeable to recipient
\$10.00 or less	\$ .50
\$10.01 to \$25.00	\$1.00
\$25.01 to \$50.00	\$2.00
\$50.01 or more	\$3.00

(5) Other medical services subject to co-payment are:

(A) Ambulatory surgical center services, per visit;

(B) audiological services, per date of service;

(C) community mental health center services, per individual psychotherapy visit;

(D) durable medical equipment, per item;

(E) home health services, per date of service and excluding the rental of durable medical equipment;

(F) non-emergency ambulance services, per trip;

(G) optometric services, per office visit;

(H) outpatient general hospital services, per outpatient surgery;

(I) prescribed drugs, per new or refill prescription;

(J) physician services, per office visit;

(K) podiatric services, per office visit;

(L) psychological services, per office visit;

(M) dietician services, per date of service; and

(N) dental services, per date of service.

(b) The provisions of subsection (a) shall not apply to services provided:

(1) To residents in intermediate care facilities, intermediate care facilities for the mentally retarded, intermediate care facilities for mental health, skilled nursing facilities, and to recipients participating in the home and community-based services program;

(2) to recipients age 18 to under age 22, or age 65 or older, who are inpatients in a state psychiatric facility;

(continued)



- (3) to recipients under 18;
- (4) to recipients enrolled in a health maintenance organization;
- (5) for family planning purposes;
- (6) for medical services relating to an injury incurred on the job during a community work experience project;

(7) that are related to pregnancy; and

(8) as emergency services. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended, T-84-36, Jan. 1, 1984; amended May 1, 1984; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Dec. 31, 1992.)

**30-5-86. Scope of services by community mental health centers.** (a) Community mental health center services shall be available to program recipients in:

(1) Outpatient treatment programs licensed by mental health and retardation services;

(2) approved inpatient treatment programs;

(3) partial hospitalization programs approved by mental health and retardation services pursuant to K.A.R. 30-5-110 and certified to participate in medicare; and

(4) the recipient's private residence.

(b) (1) During a calendar year, outpatient psychotherapy shall be limited to 32 hours per recipient unless the recipient is a Kan Be Healthy program participant. Outpatient psychotherapy shall be limited to 40 hours per calendar year for Kan Be Healthy program participants unless provided pursuant to a plan with prior authorization and approval by the agency.

(2) Drug and alcohol treatment shall not exceed 200 hours during a lifetime.

(3) Outpatient psychotherapy shall be covered, when medically necessary, and when provided concurrently by the same provider with both targeted case management services and partial hospitalization services.

(c) Four hours of psychological testing and evaluation shall be allowed every two consecutive calendar years for medicaid program recipients regardless of provider except that Kan Be Healthy program participants shall be allowed six hours. Admission evaluations shall not exceed five hours per calendar year and may include a physical examination.

(d) Inpatient psychotherapy shall be available pursuant to K.A.R. 30-5-81. Case conferences may be considered as individual therapy if they meet the definition in K.A.R. 30-5-58. Group therapy shall be reimbursable only if it is rendered on a day when group therapy has not been a part of partial hospitalization.

(e) Targeted case management services shall be limited to an amount per calendar year per recipient as specified by the secretary.

(f) Services shall be provided by a psychiatrist, a licensed psychologist with a doctoral degree or a registered master's level psychologist, master's degree social worker, master's degree psychiatric nurse, or individuals certified by the Kansas association of community mental health center directors' professional standards committee and approved by the agency, unless the approval would be contrary to law or regulation. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; modified, L. 1983, ch. 361, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-29, Nov. 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Aug. 1, 1990; amended July 1, 1991; amended Oct. 1, 1992; amended Jan. 4, 1993.)

**30-5-100. Scope of dental services.** (a) Dental services shall be covered for recipients receiving a Kan Be Healthy dental screening.

(1) Both a Kan Be Healthy medical screening and a Kan Be Healthy dental screening shall be required for coverage of orthodontia services with the exception of emergency services.

(2) Prior authorization shall be required for designated services.

(3) Prior authorization shall be required for dental treatment plans estimated to exceed, during a calendar year, the range maximum established by the secretary.

(b) Dental services for medicaid recipients not participating in the Kan Be Healthy program shall be limited to the following treatments:

(1) One oral examination per year, including prophylaxis, two bitewing films, and the first intra-oral periapical film;

(2) one-surface amalgam and one-surface resin fillings;

(3) stainless steel crowns; and

(4) one tooth extraction per quadrant with flap and suturing or partial bone impaction. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended May 1, 1983; amended, T-84-7, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended Oct. 1, 1989; amended Aug. 1, 1990; amended Dec. 31, 1992.)

**30-5-100a. Reimbursement for dental services.** Reimbursement shall be made on the basis of reasonable charges, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The sum of payments per Kan Be Healthy recipient for dental services provided during each fiscal year beginning July 1, 1987, shall be limited to an amount specified by the secretary. Prior authorization shall be obtained before exceeding this payment limit. The effective date of this regulation

shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended May 1, 1987; amended Dec. 31, 1992.)

**30-5-151. Scope of hospital services for medikan program recipients.** Hospital services for medikan program recipients shall be limited by the secretary to services for specific diagnoses. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, T-84-8, March 29, 1983; amended, T-84-11, July 1, 1983; effective May 1, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992.)

**30-5-159. Scope of dental services for medikan program recipients.** Dental services for medikan program recipients shall not be covered. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, T-84-8, April 1, 1983; modified L. 1983, ch. 373, May 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992.)

**30-5-160. Scope of chiropractic services for medikan program recipients.** Chiropractic services for medikan program recipients shall not be covered. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992.)

**30-5-161. Scope of podiatric services for medikan program recipients.** Podiatric services for medikan program recipients shall not be covered. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992.)

**30-5-169. Scope of partial hospitalization services for medikan program recipients.** (a) Partial hospitalization services shall be provided in a community mental health center or a facility affiliated with a community mental health center.

(b) Supportive partial hospitalization services shall be limited to a maximum of 720 hours per medikan recipient per calendar year.

(c) Crisis stabilization partial hospitalization services shall be limited to a maximum of 960 hours per medikan recipient per calendar year. The effective date of this regulation shall be December 31, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992.)

**30-5-171.** This rule and regulation shall expire on December 31, 1992. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; revoked Dec. 31, 1992.)

**30-5-173. Scope of preadmission assessment and referral services.** Preadmission assessment and referral services for individuals seeking admission to a nursing facility or nursing facility for mental health providing care under title XIX of the federal social security act shall be available to all individuals if: (a) The preadmission assessment and referral provider has been authorized by the secretary; and

(b) the preadmission assessment provider is independent of and not employed by a nursing facility, nursing facility for mental health or a for-profit home health agency. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing L. 1992, Chapter 322, K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective Jan. 4, 1993.)

**30-5-173a. Reimbursement for preadmission assessment and referral services.** Reimbursement for preadmission assessment and referral shall be made to authorized providers at the rate set by the secretary. No individual receiving preadmission assessment and referral services shall be charged for the service. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing L. 1992, Chapter 322, K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective Jan. 4, 1993.)

#### Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

**30-6-52. Act in own behalf.** (a) Emancipated minor. An emancipated minor is a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the right to manage personal affairs in one of the following ways:

(1) By court action which conferred the rights of majority on the minor;

(2) by an oral or written agreement which terminates the rights of parental control, the parents' right to

(continued)

claim the minor's earnings, and the parents' legal obligation to support the minor, unless the actions of the parties are contrary to the agreement; or

(3) by actions of the minor which terminate the rights mentioned in paragraph (2) above.

(b) Ability to act in own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf. Incapacitated persons or minors shall not be eligible for medical assistance unless a guardian, conservator, medical representative, or a caretaker relative applies for assistance on that person's behalf. Emancipated minors shall be eligible for medical assistance on their own behalf. When there has been no court action or marriage and an emancipated minor becomes dependent on a parent for support or comes under parental control, the minor shall no longer be considered emancipated. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993.)

**30-6-53. Financial eligibility.** The following provisions are applicable to all determined eligible groups, except that subsections (c) and (d) of this regulation shall not be applicable to pregnant women and children who meet the provisions of K.A.R. 30-6-77, medicare beneficiaries who meet the provisions of K.A.R. 30-6-86, or to working disabled individuals who meet the provisions of K.A.R. 30-6-87. (a) Definitions.

(1) "Eligibility base period" means the length of time used in the determination of financial eligibility. The length of the eligibility base period varies from one month to six months, based on the living arrangement of the persons in the assistance plan.

(2) "Spenddown" means the amount of applicable income that exceeds the protected income level in the eligibility base period and that is available to meet medical costs.

(3) "Patient liability" means the amount the individual is required to pay towards the cost of care which the individual receives in an institutional arrangement. Patient liability is based on the amount of applicable income that exceeds the protected income level in the eligibility base period.

(b) The eligibility base period. For prior eligibility, the base period shall be the three months immediately preceding the month of application. The application base period shall begin on the first day of the month in which the application was received. Subsequent eligibility base periods for recipients shall begin on the first day of the month following the expiration of the previous base period. Any reapplication received outside of a previously established eligibility base shall be treated as a new application without regard to any previous eligibility base. However, if the reapplication includes a request for prior eligibility, the base period of prior eligibility shall not extend into a previously established eligibility base. The eligibility base period shall not exceed six months.

(c) Financial eligibility for persons in independent living and home- and community-based services arrangements.

(1) Total applicable income to be considered in the eligibility base period shall be compared to the protected income level for the base period. If the total applicable income is less than the protected income level and the individual owns property which has value within the allowable limits, the individual shall be financially eligible for medical assistance. If total applicable income exceeds the protected income level and the individual owns property which has value within the allowable limits, the excess applicable income shall be the spenddown.

(2) Each applicant or recipient shall incur allowable medical expenses in an amount at least equal to the spenddown before becoming eligible for assistance. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet the spenddown, except for medical expenses paid by a public program of the state other than medicaid.

(3) A previously unconsidered increase in total applicable income during the current eligibility base period which results in additional spenddown shall not alter the base period. The additional spenddown shall be met by the individual during the eligibility base period before the individual becomes eligible or re-eligible for medical assistance. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual fails to meet the additional spenddown within the current eligibility base period.

(d) Financial eligibility for persons in institutional arrangements.

(1) An individual shall be financially eligible for medical assistance for payment of nursing facility care if:

(A) Property owned is within allowable limits; and

(B) total monthly, non-exempt gross income does not exceed 300 percent of the one-person benefit level in the federal supplemental security income (SSI) program. This income provision shall not be applicable to any recipient in a nursing facility as of September 1, 1991 who continues to reside in such an arrangement, who otherwise remains financially eligible for assistance and who:

(i) Either had gross income in excess of 300 percent of the one-person SSI benefit level on that date; or

(ii) subsequently lost eligibility in the period September 1, 1991 through June 30, 1992 due to an increase in income. Persons who are ineligible under this provision may be eligible for medical assistance for other than nursing facility care. In such a case, eligibility shall be based on the provisions for persons in independent living arrangements.

(2) Once financial eligibility has been determined, the applicable income to be considered in the eligibility base period shall then be compared to the protected income level for the base period. Income in excess of the protected income level shall be the patient liability. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet this



liability, except for medical expenses paid by a public program of the state other than medicaid. Any increase in total applicable income during the current eligibility base period may result in financial ineligibility or in additional liability, but shall not alter the base period. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual becomes ineligible because of an increase in total applicable income or fails to meet any additional liability within the current eligibility base period.

(e) Allowable expenses. The following expenses shall be allowable against the spenddown or patient liability when the individual provides evidence that the individual has incurred or reasonably expects to incur the expenses within the appropriate eligibility base period, or has incurred and is still obligated for expenses outside of the appropriate eligibility base period which have not been previously applied to a spenddown or liability:

- (1) Co-pay requirements;
- (2) the pro rata portion of medical insurance premiums for the number of months covered in the eligibility base period regardless of the actual date of payment, past or future;
- (3) medicare premiums which are not covered by buy-in. Premiums which are subject to buy-in shall not be allowable, even if the individual pays them or the premiums are withheld, before completion of the buy-in process;
- (4) if medically necessary, and recognized under Kansas law, all expenses for medical services incurred by the individual or a legally responsible family group member. Expenses for social services designated as medical services under the home- and community-based services (HCBS) program shall be allowable under this paragraph for persons in the HCBS program; and
- (5) the cost of necessary transportation by appropriate mode to obtain medical services set forth in paragraph (4) above. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 4, 1993.)

**30-6-56. Transfer of property.** (a) Definitions.

(1) "Transfer of property" means any act, contract, or lease, which partially or totally passes the use, control, or ownership of property of an applicant or recipient to another person or corporation.

(2) For purposes of this regulation, "institutionalized individual" means an applicant or recipient who is residing in a nursing facility, in a medical institution

that is providing the individual a level of care equivalent to the care provided by a nursing facility, or in a home- and community-based services living arrangement.

(b) Eligibility limitation. An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if the individual transferred property for less than fair market value within a 30-month time period prior to or after the date the individual received or was otherwise eligible to receive these services. Multiple transfers that occur within a calendar month shall be treated as a single transfer. The following transfers shall not affect eligibility under this provision:

- (1) Transfers of property with an uncompensated value of less than the average monthly private pay rate of all nursing facilities in the state;
- (2) transfers of property that occurred more than 30 months prior to or after the date the individual received or was otherwise eligible to receive institutional or home- and community-based services;
- (3) transfers of property at or near fair market value. For purposes of this provision, adequate consideration shall be granted if the compensation received for a non-cash asset is equal to or greater than 75 percent of the market value;
- (4) transfers of property with an uncompensated value which, when added to the value of other non-exempt resources, does not exceed the allowable resource limits;
- (5) transfers of property that have been approved by the agency. The agency shall grant approval if the transfer is for fair market value and is a bona fide transaction;
- (6) a transfer of property executed pursuant to the division of assets provisions contained in K.A.R. 30-6-106;
- (7) transfer of the institutionalized individual's home to:
  - (A) The spouse of the institutionalized individual;
  - (B) a child of the institutionalized individual who is under the age of 21 or who meets the blindness or disability criteria of K.A.R. 30-6-85;
  - (C) a sibling of the institutionalized individual who has an equity interest in such home and who was residing in the home for a period of at least one year immediately before the date the individual entered the institutional or home- and community-based services arrangement; or
  - (D) a child of the institutionalized individual other than the child described in item (7)(B) above, who was residing in the home for a period of at least two years immediately before the date the individual entered the institutional or home- and community-based services arrangement and who provided care to the institutionalized individual which permitted the individual to reside at home; and
- (8) a transfer of property to:
  - (A) The institutionalized individual's spouse or to another for the sole benefit of the individual's spouse, if such spouse does not transfer this property to an-

(continued)

other person other than the institutionalized individual for less than fair market value; or

(B) the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85.

(c) Trust fund transfers. Except for trusts created for burial purposes under K.S.A. 16-303 and K.S.A. 16-321, a transfer of property, real or personal, to an irrevocable trust or similar irrevocable legal device shall be considered a transfer for less than fair market value since the person who created the trust does not retain the right to dissolve or amend the trust for purposes of obtaining the resources.

(d) Procedures. The procedures set forth below shall be used in determining an institutionalized individual's eligibility for medical assistance under the above provisions.

(1) A record shall be assembled in chronological order for each transfer of property.

(2) After securing the information listed above, the reason for the transfer shall be examined by the agency. In examining the reason for the transfer, a determination first shall be made as to whether fair market value was received. If the agency determines that fair market value was not received, it shall be presumed that the transfer was for the purpose of establishing eligibility, unless the person furnishes convincing evidence that the transfer was exclusively for some other purpose.

(3) The decision of the agency with respect to convincing evidence shall be governed by the following criteria:

(A) Any transfer of property shall be considered in the light of the circumstances at the time the transfer was made.

(B) The weight given to an institutionalized individual's statement that the transfer was not connected with that person's application for medical assistance shall be in proportion to the length of the interval between the transfer and the application.

(C) The difference in the equity transferred and the consideration received shall be such that it would be evident to the ordinary individual that full value had not been received.

(D) An institutionalized individual shall not be penalized for removal of the individual's name from the title or restricting access to the property if the individual can substantiate that the individual has no ownership interest in the property. Factors to be documented and considered shall include the source and use of the property. This provision shall not be applicable to jointly-owned resources between legally responsible persons.

(e) Period of ineligibility.

(1) If the agency determines that any institutionalized individual has transferred real or personal property without the approval of the agency and for less than fair market value, or for the purpose of establishing medical assistance eligibility, the period of ineligibility shall be determined by the agency.

The uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt

resources of the applicant or recipient and the allowable nonexempt resource limit, shall be divided by the average monthly private pay rate of all nursing facilities in the state to determine the number of months of ineligibility. The period of ineligibility shall commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

(2) The period of ineligibility due to the transfer of property shall not in any event exceed 30 months from the month of the transfer of the property in question. The period of ineligibility shall be subject to re-evaluation on the basis of additional evidence or other justification for authorization of assistance.

(3) If there is evidence that a transfer was made for the purpose of making the individual eligible for assistance or for less than fair market value and later the property is reconveyed to the individual, or if there is an adjustment in the transfer through which the individual receives fair market value, the loss of the resource no longer exists. The individual shall, if otherwise qualified, be eligible for medical assistance.

(4) The period of ineligibility shall be initially waived or subsequently suspended if it is determined that the action to waive or suspend is necessary to avoid undue hardship. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended May 1, 1992; amended Jan. 4, 1993.)

**30-6-86. Poverty level and low income medicare beneficiaries; determined eligibles.** Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Age, blindness or disability. Each individual must meet the age, blindness or disability requirements of K.A.R. 30-6-85.

(b) Medicare part A beneficiary. Each individual must be entitled to medicare part A benefits.

(c) Financial eligibility. A percentage of the official federal poverty income guidelines as established in K.A.R. 30-6-103 shall be used as the protected income level for the number of persons in the plan and any other persons whose income is considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. However, the amount of an annual social security cost-of-living adjustment shall be disregarded in determining eligibility during the first quarter of the year for which the adjustment is provided. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. The individual also

shall not own nonexempt real or personal property with a resource value in excess of two times the allowable amount specified in K.A.R. 30-6-107 for the number of persons whose nonexempt resources are considered available to the individual.

(d) Assistance provided. Assistance under this provision for individuals meeting the poverty income guidelines of K.A.R. 30-6-103(a)(7) shall be limited to the payment of allowable medicare premiums, deductibles and coinsurance. Assistance for individuals meeting the poverty income guidelines of K.A.R. 30-6-103(a)(9) shall be limited to the payment of medicare part B premiums only. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5 and 39-709, as amended by L. 1992, Chapter 150, Sec. 2; effective Jan. 2, 1989; amended July 1, 1989; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended Jan. 4, 1993.)

**30-6-103. Determined eligible; protected income levels.** (a) Independent living and home- and community-based services arrangements.

(1) The protected income level for persons in independent living arrangements and in the home- and community-based services program shall be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered.

(2) The protected income levels for independent living may also be used when an applicant or recipient:

(A) Enters a medicaid-approved facility, except that this provision shall not apply in situations where only one spouse of a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed two months to allow for maintaining the applicant's or recipient's independent living arrangements.

(3) Except as provided in paragraphs (4), (5), (6), (7) and (8) below, the following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING  
(Per Month)

1	2	3
\$434.00	\$475.00	\$480.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

(4) In determining eligibility for pregnant women and for infants under the provisions of K.A.R. 30-6-77(a) and (b), 150 percent of the official federal poverty income guidelines shall serve as the protected income level.

(5) In determining eligibility for other young children under the provisions of K.A.R. 30-6-77(c), 133 percent of the official federal poverty income guidelines shall serve as the protected income level.

(6) In determining eligibility for older children under the provisions of K.A.R. 30-6-77(d), 100 percent of the official federal poverty income guidelines shall serve as the protected income level.

(7) In determining eligibility for poverty-level medicare beneficiaries under the provisions of K.A.R. 30-6-86, 100 percent of the official federal poverty income guidelines shall serve as the protected income level.

(8) In determining eligibility for working disabled individuals under the provisions of K.A.R. 30-6-87, 200 percent of the official federal poverty income guidelines shall serve as the protected income level.

(9) In determining eligibility for low income medicare beneficiaries under the provisions of K.A.R. 30-6-86, 110 percent of the official federal poverty income guidelines shall serve as the protected income level.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$30.00, except as noted in paragraph (2) of subsection (a). The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993.)

**30-6-106. General rules for consideration of resources, including real property, personal property, and income.** (a) Legal title shall determine ownership for assistance purposes. In the absence of legal title, possession shall determine ownership.

(b) Resources shall be of a nature that the value can be defined and measured. The objective measures set forth in paragraphs (1) and (2) below shall establish the resources' value.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property, which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant, recipient, or agency, an estimate or appraisal of its

(continued)

value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined using a reputable trade publication. If a publication is not available, or if there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) (1) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain, or unless the probability of success in the legal action would be minimal for the applicant or recipient.

(2) For the purpose of this subsection, a revocable or irrevocable trust shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust on behalf of the applicant or recipient if:

(A) The trust is established by the applicant, the recipient, the applicant or recipient's spouse, or the applicant or recipient's guardian or legal representative who is acting on the applicant or recipient's behalf;

(B) that applicant or recipient is a beneficiary; and

(C) the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.

Paragraph (c)(2) shall not be applicable if the applicant or recipient is a mentally retarded individual who is residing in an intermediate care facility for the mentally retarded, if the trust was established prior to April 7, 1986 and is solely for the benefit of that applicant or recipient.

(3) For SSI, real property shall be considered unavailable for so long as it cannot be sold because:

(A) The property is jointly owned and its sale would cause undue hardship due to the loss of housing for the other owner or owners; or

(B) the owner's reasonable efforts to sell the property have been unsuccessful.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to those duties performed while the applicant or recipient is acting as an agent for the other person.

(e) Nonexempt resources of all persons in the assistance plan and the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and K.A.R. 30-6-79(c) shall be considered in determining eligibility.

(f) (1) The combined resources of husband and wife, if they are living together, shall be considered in determining eligibility of either or both for the medical assistance program, unless otherwise prohibited by law.

(2) A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education, training, working, securing medical treatment or visiting shall not interrupt the period of time during which the couple is considered to be living together.

(3) A husband and wife shall not be considered to be living together when they are physically separated and not maintaining a common life, or when one or both enter into an institutional living arrangement, including either a medicaid-approved or non-approved medical facility or a home- and community-based services care arrangement. If only one spouse enters an institutional living arrangement, the provisions of subsection (m) below apply. If both spouses enter an institutional living arrangement, the combined resources of the husband and wife shall be considered available to both for the month in which the institutional arrangement begins.

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together, except that such resources shall not be considered for children in an institutional or home- and community-based services arrangement beginning with the month following the month the arrangement begins.

(h) When any individual in the household who does not have the responsibility to support a person in the plan voluntarily and regularly contributes cash to the recipient toward household expenses, including maintenance costs, the amount of the contribution to be counted shall be the net income realized by the household.

(i) Despite subsections (e), (f), and (g) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for medical assistance of any other person.

(j) The conversion of real and personal property from one form to another shall not be considered to be income to the applicant or recipient, except for the proceeds from a contract for the sale of property.

(k) Income shall not be considered to be both income and property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered in determining eligibility.

(m) When one spouse enters an institutional living arrangement and the other spouse remains in the community, and an application for medical assistance is

made on behalf of the institutionalized spouse, the following provisions apply:

(1) The separate income of each spouse shall not be considered available to the other beginning in the month the institutional arrangement begins. Unless otherwise established,  $\frac{1}{2}$  of the income which is paid in the names of both spouses shall be considered available to each. Income which is paid in the name of either spouse, or in the name of both spouses and the name of another person or persons, shall be considered available to each spouse in proportion to the spouse's interest, unless otherwise established.

(2) A monthly income allowance for the community spouse shall be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 150 percent of the official federal poverty income guideline for two persons plus the amount of any excess shelter allowance. The excess shelter allowance is defined as the amount by which the community spouse's expenses for rent or mortgage payments, taxes and insurance for the community spouse's principal residence, plus the \$175.00 food stamp standard utility allowance, exceeds 30 percent of 150 percent of the federal poverty income guideline amount referred to above. The maximum income allowance which can be provided under this provision shall be \$1,769.00. The \$1,769.00 limitation shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater income allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(3) A monthly income allowance for each dependent family member shall be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. A dependent family member is defined as a minor or dependent child, dependent parent or dependent sibling of either spouse who lives with the community spouse. The allowance for each member shall be equal to  $\frac{1}{3}$  of 150 percent of the official federal poverty income guideline for two persons. An allowance shall not be provided if the family member's gross income is in excess of 150 percent of the federal poverty income guideline for two persons.

(4) If the spouse is institutionalized on or after September 30, 1989, the real and personal property of both spouses shall be considered in determining the eligibility of the institutionalized spouse, based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below whether or not such allowance will be made. If the excess property is within the allowable resource standards of K.A.R. 30-6-107, the institutionalized spouse shall be eligible. In the month following the

first month of eligibility for the institutionalized spouse, only the property of the institutionalized spouse shall be considered available in determining continuing eligibility, except for property to be transferred in accordance with paragraph (m)(6) below.

(5) If the spouse was institutionalized before September 30, 1989, the real and personal property of each spouse shall be considered available to the other in the month in which the institutional arrangement began. Thereafter, the property of each spouse shall not be considered available to the other.

(6) The institutionalized spouse may make available to the community spouse a property allowance which, when added to the property already available to the community spouse, would be equal to  $\frac{1}{2}$  of the total value of the property owned by both spouses as of the first period of continuous institutionalization beginning on or after September 30, 1989. This allowance may not exceed \$70,740.00, but shall be no less than \$14,148.00. Both the \$14,148.00 and \$70,740.00 standards shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater property allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(7) The amount of property received by the community spouse as a result of the property allowance determined in paragraph (m) (6) shall not be considered in determining the eligibility of the institutionalized spouse, except as provided in paragraph (m)(4) above. If the institutionalized spouse will be eligible based upon transferring sufficient property to the community spouse to equal the amount of the property allowance, the institutionalized spouse shall be given up to 90 days from the date of application to transfer the property. Additional time may be allowed for good cause. Pending disposition of the property, the institutionalized spouse shall be deemed to be temporarily eligible during this time period if all other eligibility factors are met. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; revoked, T-30-11-29-90, Jan. 2, 1991; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended, T-30-3-1-91, March 1, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 2, 1992;

(continued)



amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993.)

**30-6-113. Income exempt as applicable income.** The following income shall be exempt as applicable income in the determination of eligibility: (a) Unearned income-in-kind;

(b) shelter cost participation payments. In shared living arrangements in which two families contribute toward the shelter obligations, any cash paid toward the shared shelter obligation by one family to the second family in the shared arrangement shall not be considered as income to the second family. This exemption shall not be applicable in a bona fide, commercial landlord-tenant arrangement;

(c) assistance payments in the month received;

(d) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, non-profit organization, by a supplier of home heating oil or gas, or by a municipal utility company which provides home energy, if the assistance provided is based on need;

(e) income of a child received from a youth program funded by the job training partnership act of 1982, except that earned income received under the program shall only be exempt for a period of six months;

(f) incentive payments received by renal dialysis patients;

(g) irregular, occasional, or unpredictable monetary gifts not to exceed \$30.00 per person in any calendar quarter, except that this subsection shall not be applicable to gifts in excess of \$30.00;

(h) tax refunds and rebates, except for earned income tax credits for non-SSI in accordance with K.A.R. 30-6-112 (y);

(i) for non-SSI, earned income of a recipient child if the child is under the age of 18 years and a full-time student or if the child is a part-time student and is not a full-time employee;

(j) for non-SSI, earned income of a recipient child who is 18 years of age and a full-time student;

(k) for non-SSI, support payments covered by an assignment of support rights related to ADC and ADC-FC and forwarded to the agency. However, a support refund, disbursed by the agency to the client, shall not be exempt;

(l) for non-SSI, housing assistance from federal housing programs;

(m) for non-SSI, the first \$50.00 of child support or child support in combination with spousal support received in a month;

(n) for SSI, refund of taxes paid on real property or on food purchases;

(o) for SSI,  $\frac{1}{3}$  of child support payments received by an eligible child from an absent parent;

(p) for SSI, earnings of an unmarried child who is a student under 22 years of age up to \$400.00 a month. This exemption shall not exceed \$1,620.00 a year;

(q) for SSI, work expenses of a blind recipient;

(r) for SSI, impairment-related work expenses of a disabled recipient;

(s) for SSI, incentive allowances and reimbursements for individuals in training to provide support services under the jobs training partnership act (JTPA) program administered by state and local subdivisions;

(t) for SSI, the difference between the social security benefit entitlement in August, 1972, and the entitlement in September, 1972, for persons who were receiving cash assistance through the programs of AABD or ADC in September, 1972 and who were entitled to a social security benefit in September, 1972. This exemption shall apply only if the exemption establishes eligibility without a spenddown;

(u) for SSI, the amount of all social security cost of living adjustments for a person who was concurrently receiving SSI and social security after April, 1977 and who would be eligible for SSI if the cost of living adjustments received since that person was last eligible for SSI were not considered as income;

(v) for SSI, income allocated and expended by an adult in an institutional living arrangement for the support of the adult's minor children if the adult does not have a spouse who continues to live in the community. The income allocation shall not exceed the amount necessary to bring their income up to the protected income level appropriate to their living arrangement;

(w) for SSI, SSI payments to which the person is not legally entitled that are subject to SSI recovery;

(x) for SSI, child support collected by the agency and paid as a \$50.00 or less pass-through of child support;

(y) for SSI, the amount of the December, 1983 increase in social security disabled widow or widower benefits resulting from the changes in the actuarial reduction formula and all subsequent cost of living adjustments for a person who was concurrently receiving SSI and social security disabled widow and widower benefits under section 202(e) or 202(f) of the social security act, provided that:

(1) The person became ineligible for SSI due solely to the 1983 actuarial increase;

(2) the person has continuously received social security disabled widow or widower benefits since the 1983 actuarial increase was first received;

(3) the person would be currently eligible for SSI if it were not for the 1983 actuarial increase and all subsequent cost of living adjustments; and

(4) the person applied for medical assistance under this provision prior to July 1, 1988;

(z) for SSI, reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution;

(aa) for SSI, the amount of the social security adult disabled child benefit for an otherwise eligible SSI person age 18 or older who:

(1) Was receiving SSI benefits that began prior to age 22; and

(2) lost SSI eligibility due solely to the person becoming eligible for the adult disabled child benefits or an increase in the adult disabled child benefits;

(bb) for SSI, the amount of social security early or disabled widow or widower benefits under section 202(e) or (f) of the social security act, provided that:

(1) The person became ineligible for SSI because of the receipt of such benefits;

(2) the person would be currently eligible for SSI in the absence of such benefits; and

(3) the person is not entitled to hospital insurance benefits under Part A of title XVIII of the social security act;

(cc) for SSI, the income of an SSI recipient which exceeds the protected income level for institutionalized persons for three months following the month of admission when the social security administration determines that the stay in the institution is temporary and the person needs to continue to maintain and provide for the expenses of the home or other living arrangement to which the person may return;

(dd) for SSI, the income of an applicant's or recipient's spouse or parent which was counted or excluded in determining the amount of a public assistance payment, if such spouse or parent is not an applicant for or recipient of SSI;

(ee) for SSI, the income of an applicant's or recipient's spouse or parent which is used to make support payments under a court order or title IV-D support order, if such spouse or parent is not an applicant for or recipient of SSI;

(ff) for SSI, the amount of VA pension received by a single veteran with no dependents if the pension has been reduced to \$90.00 or less because the veteran resides in a medicaid-approved nursing facility;

(gg) for SSI, foster care and adoption support payments; and

(hh) for SSI, Austrian social insurance payments based, in whole or in part, on wage credits granted under the Austrian general social insurance act. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993.)

**30-6-150. Estate recovery.** (a) A claim against the property and estate of a deceased recipient shall be established for the amount of any medical assistance paid after June 30, 1992 on that person's behalf if the recipient:

(1) Was 65 years of age or older or was institutionalized while receiving such assistance; and

(2) has no surviving spouse or no surviving child who is under 21 years of age or meets the disability criteria of K.A.R. 30-6-85(c).

(b) If there is no estate, a claim shall be filed against the estate of the surviving spouse, if any.

(c) No recovery of medical assistance correctly paid shall occur until the death of the surviving spouse, if any, and at the time when the deceased individual has no surviving child under 21 years of age or who is disabled as specified in subsection (a).

(d) The amount of medical assistance paid shall be a claim against the estate in any guardianship or conservator proceeding.

(e) The secretary shall not be required to pursue every claim but shall have discretion in determining which claims to pursue.

(f) The monetary value of any benefits paid on behalf of a recipient under long-term care insurance, as defined by K.S.A. 1991 Supp. 40-2227 and amendments thereto, shall be a credit against the estate claim under this provision.

(g) Transfers of real or personal property by a recipient for less than fair market value shall be voidable and may be set aside. The effective date of this regulation shall be January 4, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective, T-30-6-10-92, July 1, 1992; effective Oct. 1, 1992; amended Jan. 4, 1993.)

#### Article 10.—ADULT CARE HOME PROGRAM OF THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**30-10-6. Admission procedure.** (a) The physical, emotional, social and cognitive status of each individual, including any individual from out-of-state, who is seeking admission to a nursing facility or a nursing facility for mental health providing care under title XIX of the federal social security act, shall be assessed to determine the need for care and the appropriateness of services. The uniform pre-admission assessment instrument approved by the secretary shall be used for each pre-admission assessment.

(b) Nursing facility services and nursing facility for mental health services shall be provided pursuant to Title IV, Subtitle C, Part 2, pp 190-230, of the federal omnibus budget reconciliation act of 1987, effective October 1, 1990, which is adopted by reference in K.A.R. 30-10-2. Each resident shall receive a comprehensive medical evaluation and an explicit recommendation by the physician concerning the level of care needed.

(c) A nursing facility shall not require a private-paying resident to remain in a private-pay status for any period of time after the resident becomes eligible for medicaid/medikan. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing L. 1992, Chapter 322, K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, E-74-59, Oct. 24, 1974; effective May 1, 1975; amended, E-76-34, July 1, 1975; amended May 1, 1976; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Nov. 2, 1992; amended Jan. 4, 1993.)

**30-10-7. Screening, evaluation, and referral for nursing facilities.** (a) Each individual seeking admission to a nursing facility or nursing facility for mental health providing care under title XIX of the federal social security act, or referral to home- and community-based services (HCBS) shall receive a preadmission assessment, evaluation, and referral to all available com-

(continued)

munity resources, including nursing facilities, prior to admission, with the following exceptions:

(1) A patient who has entered an acute care facility from a nursing facility and is returning to a nursing facility;

(2) a resident transferred from another adult care home other than from a boarding care home, an intermediate personal care home or a one-to-five-bed adult care home;

(3) individuals whose length of stay is expected to be 30 days or less based on a physician's certification, if the nursing facility notifies the secretary of social and rehabilitation services prior to admission and provides a complete assessment from an authorized provider of assessment to the secretary within 30 days after admission;

(4) individuals who are admitted to a nursing facility on an emergency basis based on a physician's certification of the emergency, if an assessment occurs within 10 days subsequent to such an admission;

(5) individuals entering a nursing facility conducted by and for the adherents of a recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing; or

(6) individuals who have made written request for assessment and referral services from an authorized provider of assessment and who do not receive those services within 10 calendar days, if the assessment occurs within 10 days following admission.

(b) The preadmission assessment shall be valid for one year from the date of the assessment. Reimbursement for the assessment shall be limited to one assessment annually per individual, unless in the judgment of a qualified professional, the person's physical, emotional, social, or cognitive status has changed to the extent that another assessment is warranted.

(c) Each individual choosing to enter a nursing facility following a preadmission assessment identifying no need for nursing facility placement shall do so as a private-paying resident. Medicaid/medikan shall not participate in the cost of care unless and until a preadmission assessment determines there is a need for nursing facility placement. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing L. 1992, Chapter 322, K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, E-74-59, Oct. 24, 1974; effective May 1, 1975; amended May 1, 1976; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-28, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1986; amended Jan. 2, 1989; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended May 1, 1991; amended Jan. 4, 1993.)

**30-10-11. Personal needs fund.** (a) At the time of admission, nursing facility providers shall furnish that resident and the representative, if any, with a written statement that:

(1) Lists all services provided by the provider, distinguishing between those services included in the provider's per diem rate and those services not in-

cluded in the provider's basic rate, that can be charged to the resident's personal needs fund;

(2) states that there is no obligation for the resident to deposit funds with the provider;

(3) describes the resident's right to select one of the following alternatives for managing the personal needs fund:

(A) The resident or the resident's legal guardian, if any, may receive, retain and manage the resident's personal needs fund;

(B) the resident may apply to the social security administration to have a representative payee designated for federal or state benefits to which the resident may be entitled; or

(C) except when paragraph (B) of this subsection applies, the resident may designate, in writing, another person to act for the purpose of managing the resident's personal needs fund;

(4) states that any charge for these services is included in the provider's per diem rate;

(5) states that any late fees, interest or finance charges shall not be charged to the resident's personal needs funds for late payment of the resident liability;

(6) states that the provider is required to accept a resident's personal needs fund to hold, safeguard, and provide an accounting for it, upon the written authorization of the resident or representative, or upon appointment of the provider as the resident's representative payee; and

(7) states that, if the resident becomes incapable of managing the personal needs fund and does not have a representative, the provider is required to arrange for the management of the resident's personal funds as provided in K.A.R. 30-10-11(j).

(b)(1) The provider shall, upon written authorization by the resident, accept responsibility for holding, safeguarding and accounting for the resident's personal needs fund. The provider may make arrangements with a federally or state-insured banking institution to provide these services. However, the responsibility for the quality and accuracy of compliance with the requirements of K.A.R. 30-10-11 shall remain with the provider. The provider may not charge the resident for these services. Routine bank service charges shall be included in the provider's per diem rate and shall not be charged to the resident. Overdraft charges and other bank penalties shall not be allowable.

(2) The provider shall maintain current, written, individual records of all financial transactions involving each resident's personal needs fund for which the provider has accepted responsibility. The records shall include at least the following:

(A) The resident's name;

(B) an identification of resident's representative, if any;

(C) the admission date;

(D) the date and amount of each deposit and withdrawal, the name of the person who accepted the withdrawn funds, and the balance after each transaction;

(E) receipts indicating the purpose for which any withdrawn funds were spent; and

(F) the resident's earned interest, if any.

(3) The provider shall provide each resident reasonable access to the resident's own financial records.



(4) The provider shall provide a written statement, at least quarterly, to each resident or representative. The statement shall include at least the following:

(A) The balance at the beginning of the statement period;

(B) total deposits and withdrawals;

(C) the interest earned, if any; and

(D) the ending balance.

(c) Commingling prohibited. The provider shall keep any funds received from a resident for holding, safeguarding, and accounting separate from the provider's operating funds, activity funds, resident council funds and from the funds of any person other than another resident in that facility.

(d) Types of accounts; distribution of interest.

(1) Petty cash. The provider may keep up to \$50.00 of a resident's money in a non-interest bearing account or petty cash fund.

(2) Interest-bearing accounts. The provider shall, within 15 days of receipt of the money, deposit in an interest-bearing account any funds in excess of \$50.00 from an individual resident. The account may be an individual account for the resident or may be pooled with other resident accounts. If a pooled account is used, each resident shall be individually identified on the provider's books. The account shall be in a form that clearly indicates that the provider does not have an ownership interest in the funds. The account shall be insured under federal or state law.

(3) The interest earned on any pooled interest-bearing account shall be distributed without reductions in one of the following ways, at the election of the provider:

(A) Pro-rated to each resident on an actual interest-earned basis; or

(B) pro-rated to each resident on the basis of the resident's end-of-quarter balance.

(e) The provider shall provide the residents with reasonable access to their personal needs funds. The provider shall, upon request or upon the resident's transfer or discharge, return to the resident, the legal guardian or the representative payee the balance of the resident's personal needs fund for which the provider has accepted responsibility, and any funds maintained in a petty cash fund. When a resident's personal needs fund for which the provider has accepted responsibility is deposited in an account outside the facility, the provider, upon request or upon the resident's transfer or discharge, shall within 15 business days, return to the resident, the legal guardian, or the representative payee the balance of those funds.

(f) When a provider is a resident's representative payee and directly receives monthly benefits to which the resident is entitled, the provider shall fulfill all of its legal duties as representative payee.

(g) Duties on change of provider.

(1) Upon change of providers, the former provider shall furnish the new provider with a written account of each resident's personal needs fund to be transferred, and obtain a written receipt for those funds from the new provider.

(2) The provider shall give each resident's representative a written accounting of any personal needs fund held by the provider before any change of provider occurs.

(3) If a disagreement arises regarding the accounting provided by the former provider or the new provider, the resident shall retain all rights and remedies provided under state law.

(h) (1) Upon the death of a resident who is a recipient of medical assistance:

(A) The provider shall in good faith determine or attempt to determine within 30 days from the date of death whether there is a surviving spouse, minor or disabled children or an executor or administrator of the resident's estate.

(i) If there is an executor or an administrator, the provider shall contact the executor or administrator and convey the monies in the personal needs fund as the executor or administrator directs.

(ii) If there is no executor or administrator but there is a surviving spouse, the provider shall contact the surviving spouse and convey the monies in the personal needs fund as that surviving spouse directs.

(iii) If there is no executor or administrator or surviving spouse, but there are minor or disabled children, the provider shall contact the guardian or personal representative of the minor or disabled children or, if appropriate, the adult disabled children and convey the monies in the personal needs fund as they direct.

(iv) If there is no surviving spouse, minor or totally disabled children or executor or administrator, the provider shall convey within 30 days the personal needs fund to the estate recovery unit who will be responsible for notifying the appropriate court or personal representative of the receipt of the monies from the personal needs fund of the resident.

(B) The provider shall provide the estate recovery unit with a written accounting of the personal needs fund within 30 days of the resident's death. The accounting shall also be provided to the executor or administrator of the resident's estate, if any; the surviving spouse, if any; the guardian or representative of the surviving minor or disabled children, if any; the personal representative of the resident, if any; and the resident's next of kin.

(2) Upon the death of a resident who is not a recipient of medical assistance, the provider shall provide the executor or administrator of a resident's estate with a written accounting of the resident's personal needs fund within 30 days of a resident's death. If the deceased resident's estate has no executor or administrator, the provider shall provide the accounting to:

(A) The resident's next of kin;

(B) the resident's representative; and

(C) the clerk of the probate court of the county in which the resident died.

(i) The provider shall purchase a surety bond and submit a report on forms designated by the Kansas department of health and environment. The provider shall give assurance of financial security in an amount equal to or greater than the sum of all residents' funds managed by the provider at any time during the one-year period.

(j) If a resident is incapable of managing the resident's personal needs fund, has no representative, and is eligible for SSI, the provider shall notify the local office of the social security administration and request that a representative be appointed for that resident. If

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the resident is not eligible for SSI, the provider shall refer the resident to the local agency office, or the provider shall serve as a temporary representative payee for the resident until the actual appointment of a guardian or conservator or representative payee.

(k) Resident property records.

(1) The provider shall maintain a current, written record for each resident that includes written receipts for all personal possessions deposited with the provider by the resident.

(2) The property record shall be available to the resident and the resident's representative.

(l) Providers shall keep all personal needs funds in the state of Kansas.

(m) Personal needs funds shall not be turned over to any person other than a duly accredited agent or guardian of the resident. With the consent of the resident, if the resident is able and willing to give consent, the administrator shall turn over a resident's personal needs fund to a designated person to purchase a particular item. However, a signed, itemized, and dated receipt shall be required for deposit in the resident's personal needs fund envelope or another type of file.

(n) A receipt for each transaction shall be signed by the resident, legal guardian, conservator or responsible party. Recognizing that a legal guardian, conservator or responsible party may not be available at the time each transaction is made for or on behalf of a resident, the provider shall have a procedure which includes a provision for receipts to be signed on at least a quarterly basis.

(o) The provider shall provide and maintain a system of accounting for expenditures from the resident's personal needs fund. This system shall follow generally accepted accounting principles and shall be subject to audit by representatives of the agency. The effective date of this regulation shall be January 4, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective, E-74-43, Aug. 16, 1974; effective, E-74-44, Aug. 28, 1974; effective May 1, 1975; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992; amended Jan. 4, 1993.)

Donna Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 012705

## State of Kansas

### Human Rights Commission

#### Permanent Administrative Regulations

#### Article 80.—GUIDELINES ON AGE DISCRIMINATION IN EMPLOYMENT

**21-80-1. Unlawful employment practices based on age.** No employer, employment agency, or labor organization shall set an arbitrary age limit in relation to employment or membership except as otherwise provided by commission rules or by the Kansas age discrimination in employment act. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-2. Job opportunities advertising.** Help wanted notices of advertisements shall not contain age-specific terms and phrases, including "young," "boy," "girl," "college student," "recent college graduate," "retired person," or others of a similar nature, unless a bona fide occupational requirement for the position has been established. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-3. Age information on job applications and other preemployment inquiries.** (a) Any preemployment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification, or discrimination as to age shall be unlawful unless based upon a bona fide occupational qualification. The burden shall be on the employer, employment agency or labor organization to demonstrate that the direct or indirect preemployment inquiry is based upon a bona fide occupational qualification.

(b) The following inquiries shall be permissible:

(1) Preemployment inquiries regarding the age of an applicant if the inquiry is made in good faith for a nondiscriminatory purpose; and

(2) preemployment inquiries to determine that an applicant is over 18 years of age. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-4. Bona fide occupational qualifications.** (a) The bona fide occupational qualification exception as to age shall be narrowly construed.

(b) An employer asserting a bona fide occupational qualification defense has the burden of proving that:

(1) the age limit is reasonably necessary to the essence of the business; and

(2)(A) that all or substantially all individuals excluded from the job involved are in fact not qualified; or

(B) that some of the individuals were excluded on the basis of a trait that cannot be ascertained except by reference to age.

(c) If the employer's bona fide occupational qualification defense is based on public safety, the employer shall prove that the challenged practice does effectuate that goal and that there is no acceptable alternative

which would better advance it or equally advance it with less discriminatory impact. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-5. Differentiations based on necessary factors other than age.** (a) If an employment practice uses age as a limiting criterion, the defense that the practice is justified by a necessary factor other than age is unavailable.

(b) Any employment practice, including a test, which is claimed as a basis for different treatment of employees or applicants for employment on the grounds that it is a necessary factor other than age, may only be justified on the basis of business necessity or valid business motive if such a practice has an adverse impact on individuals within the protected age group. Tests which are asserted as reasonable factors other than age will be scrutinized in accordance with the standards set forth at Article 30 of these regulations.

(c) If the exception of a necessity factor other than age is raised against an individual claim of discriminatory treatment, the employer shall bear the burden of proving the necessary factor other than age.

(d) An employment practice based on the average cost of employing older employees as a group shall be unlawful except with respect to employee benefit plans which qualify for the section 1113(b)(2) exception to the Kansas age discrimination in employment act. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-6. Bona fide seniority systems.** (a) Each bona fide seniority system shall be based on length of service as the primary criterion for the equitable allocation of available employment opportunities and prerogatives among younger and older workers. Other secondary factors, including merit, capacity, or ability, also may be used.

(b) A seniority system which gives those with longer service lesser rights, and results in discharge or less favored treatment to older workers, may be found to be a subterfuge to evade the purposes of the Kansas age discrimination in employment act.

(c) Essential terms and conditions of a seniority system shall be communicated to the affected employees and applied uniformly to all those affected, regardless of age. Any seniority system shall not be considered a bona fide seniority system within the meaning of the Kansas age discrimination in employment act if its terms and conditions are not communicated and applied as required by this subsection. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-7. Prohibition of involuntary retirement.** (a) Each seniority system or employee benefit plan shall not require or permit the involuntary retirement of any individual. Accordingly, any system or plan provision requiring or permitting involuntary retirement shall be unlawful, unless the provision is otherwise permitted by state or federal law or by an ordinance or resolution which preempts, supersedes or otherwise takes pre-

cedence over the Kansas age discrimination in employment act.

(b) Any plan may permit individuals to elect early retirement at a specified age at their own option. Any plan may require early retirement for reasons other than age. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

**21-80-8. Exemption for employees serving under a contract of unlimited tenure.** (a) The exemption for employees serving under a contract of unlimited tenure at an institution of higher education may be applied to any individual who attains age 70 prior to January 1, 1994, and whose job duties and responsibilities cease prior to January 1, 1994, regardless of the contract expiration date.

(b) The party seeking to invoke the exemption for employees serving under a contract of unlimited tenure shall have the burden of showing that every element of the exemption has been met clearly and unmistakably. This exemption shall be narrowly construed.

(c) Definitions.

(1) "Institution of higher education" means all public and private universities and colleges which grant tenure to employees.

(2) "Any employee" means faculty, teachers and other groups of employees who have tenured status at an institution of higher education, including academic deans, scientific researchers, professional librarians and counseling staff.

(3) "Tenure" means an arrangement under which certain appointments in an institution of higher education are continued until retirement for age or physical disability, subject to dismissal for adequate cause or under extraordinary circumstances on account of financial exigency or change of institutional program.

(4) "Unlimited" means tenure which is not limited to a specific term. A contract or other similar arrangement which is limited to a specific term shall not meet the requirements of the exemption.

(d) A contract or other similar arrangement which meets the standards in the "1940 Statement of Principles on Academic Freedom and Tenure," jointly developed by the Association of American Colleges and the American Association of University Professors, shall be deemed to satisfy the tenure requirements of the exemption.

(e) Any employee who is not assured of a continuing appointment either by contract, unlimited tenure or another similar arrangement shall not be exempted from the prohibitions against compulsory retirement, even if the employee performs functions identical to those performed by employees with appropriate tenure.

(f) Any employee within the exemption may lawfully be required to retire on account of age at age 70 or above. In the alternative, the employer may retain such an employee either in the same position or status or in a different position or status if the employee voluntarily accepts this new position or status. Any employee who accepts a nontenured position or part-time employment shall not be treated any less favor-

(continued)

ably, on account of age, than any similarly situated younger employee, unless the less favorable treatment is excused by an exception of the Kansas age discrimination in employment act. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113, 44-1118; effective Dec. 28, 1992.)

**21-80-9. Exemption for bona fide executive or high policy making employees.** (a) The party seeking to invoke the exemption for bona fide executive or high policy-making employees shall have the burden of showing that every element of the exemption has been met clearly and unmistakably. This exemption shall be narrowly construed.

(b) Any employee within the exemption may lawfully be required to retire on account of age at age 65 or above. In the alternative, the employer may retain such an employee either in the same position or status or in a different position or status. Any employee who accepts such a new status or position shall not get treated any less favorably, on account of age, than any similarly situated younger employee.

(c) The bona fide executive exemption shall apply to top-level employees who exercise substantial executive authority over a significant number of employees and a large volume of business.

Any individual in the corporate organizational structure who possesses a comparable or greater level of responsibility and authority, as measured by established and recognized criteria, shall also qualify for this exemption.

(d) The phrase "high policymaking position" shall be limited to certain top-level employees:

- (1) who are not bona fide executives;
- (2) who are individuals who have little or no line authority; and
- (3) whose position and responsibility are such that they play a significant role in the development of corporate policy and effectively recommend its implementation.

(e) Each employee qualifying for this exemption shall have been a bona fide executive or held a high policy-making position, as those terms are defined in this regulation, for the two-year period immediately before retirement.

(f) "Annual retirement benefit" means the aggregate sum payable during each one-year period of retirement. The initial one-year period shall commence from the date the benefits first became receivable by the

retiree. Once established, the annual period upon which calculations are based may not be changed from year to year.

(g) The annual retirement benefit shall be immediately available to the employee retiring under this exemption. For purposes of determining compliance, "immediate" means that the payment of plan benefits, in a lump sum or the first of a series of periodic payments, shall occur not later than 60 days after the effective date of the retirement in question. The fact that an employee will receive benefits only after expiration of the 60-day period shall not preclude retirement under the exemption, if the employee could have elected to receive benefits within that period.

(h) To determine whether the aggregate annual retirement benefit equals at least \$44,000, only benefits authorized by and provided under the terms of a pension, profit-sharing, savings, or deferred compensation plan shall be included.

(i)(1) The annual retirement benefit shall be nonforfeitable. Accordingly, the exemption shall not be applied to any employee subject to plan provisions which could cause the cessation of payments to a retiree or result in the reduction of benefits to less than \$44,000 in any one year. However, retirement benefits shall not be considered forfeitable solely because the benefits are discontinued or suspended for reasons permitted under section 411(a)(3) of the Internal Revenue Code.

(2) An annual retirement benefit shall not be considered forfeitable merely because the minimum statutory benefit level is not guaranteed against the possibility of plan bankruptcy or is subject to benefit restrictions in the event of early termination of the plan in accordance with Treasury Regulation 1.401-4(c). However, there shall be at least a reasonable expectation that the plan will meet its obligations when the retirement in question becomes effective. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113, 44-1118; effective Dec. 28, 1992.)

**21-80-10. Firefighters and law enforcement officers.** The party seeking to invoke the exemption for firefighters and law enforcement officers shall have the burden of showing that every element of the exemption has been met clearly and unmistakably. (Authorized by K.S.A. 1991 Supp. 44-1121; implementing K.S.A. 1991 Supp. 44-1113; effective Dec. 28, 1992.)

Michael Brungardt  
Executive Director

Doc. No. 012693

## INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-2	Amended	V. 11, p. 278
1-6-29	Amended	V. 10, p. 1689
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
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1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 11, p. 1019
1-9-7a	Amended	V. 10, p. 382, 760
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
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1-46-1	Amended	V. 11, p. 1195
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### AGENCY 4: BOARD OF AGRICULTURE

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4-7-531	New	V. 10, p. 1319
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4-7-716	Amended	V. 11, p. 555
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4-7-719	Amended	V. 11, p. 63
4-7-722	Amended	V. 10, p. 1320
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4-8-14a	New	V. 10, p. 1320
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4-8-30	Amended	V. 10, p. 1321
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4-8-40	Amended	V. 10, p. 1321
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44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 1, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323

44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 330
44-13-404	Amended	V. 11, p. 331
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 332
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

#### AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

#### AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-4-101	Amended	V. 11, p. 83
60-4-103	Amended	V. 11, p. 1193
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1193
60-9-103	Revoked	V. 11, p. 83
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 10, p. 1041
60-9-106	New	V. 11, p. 83
60-9-107	New	V. 10, p. 1041
60-9-109	New	V. 11, p. 1193
60-11-103	Amended	V. 10, p. 1042
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042, 1497
60-11-114	New	V. 11, p. 85
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043

60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 11, p. 85
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-113	New	V. 11, p. 85
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

#### AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700
63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

#### AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1		
through		
65-4-5	New	V. 11, p. 470, 471
65-5-1		
through		
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1		
through		
65-8-4	New	V. 11, p. 474, 475
65-9-1		
through		
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

#### AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 11, p. 406
66-6-3	Amended	V. 11, p. 407
66-6-4	Amended	V. 11, p. 407
66-6-6		
through		
66-6-9	Amended	V. 11, p. 408
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408

(continued)

66-8-1		
through		
66-8-6	Amended	V. 11, p. 409
66-9-1		
through		
66-9-4	Amended	V. 11, p. 409, 410
66-10-1		
through		
66-10-12	Amended	V. 11, p. 410, 411
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 11, p. 412
66-11-3	Amended	V. 11, p. 412
66-12-1	New	V. 11, p. 412
66-13-1	New	V. 11, p. 412

#### AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

#### AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-10	Amended	V. 10, p. 1082
68-7-12	Amended	V. 11, p. 1611
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 11, p. 1612
68-14-1		
through		
68-14-7	New	V. 11, p. 665, 666
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

#### AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 11, p. 847
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 11, p. 849
74-5-203	Amended	V. 11, p. 849
74-5-403	Amended	V. 10, p. 842

#### AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

#### AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

#### AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 11, p. 810
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 11, p. 810
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122

82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 11, p. 811
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812

#### AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-1-13	Amended	V. 11, p. 1230
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

#### AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676
88-19-4	Amended	V. 11, p. 1676
88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677
88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677

#### AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-23	Amended	V. 11, p. 765
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-61	Amended	V. 11, p. 766
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1		
through		
91-35-4	New	V. 10, p. 909, 910
91-37-1		
through		
91-37-4	New	V. 10, p. 910, 911

#### AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560
92-55-2a	New	V. 10, p. 531, 587

#### AGENCY 93: DEPARTMENT OF REVENUE— DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

#### AGENCY 99: BOARD OF AGRICULTURE— DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1		
through		
99-32-6	Revoked	V. 10, p. 1323

#### AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 11, p. 1039, 1117
100-49-5	New	V. 11, p. 1084

#### AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-7	Amended	V. 10, p. 1789
109-5-1	Amended	V. 10, p. 1789
109-5-4	New	V. 10, p. 1790
109-7-1	Amended	V. 10, p. 1790
109-8-1	Amended	V. 10, p. 1791
109-9-1	Amended	V. 10, p. 1791
109-9-4	Amended	V. 10, p. 1791
109-9-5	New	V. 11, p. 133
109-11-2	Amended	V. 10, p. 1792
109-11-6	Amended	V. 10, p. 1792
109-11-9	New	V. 10, p. 1792

#### AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1		
through		
110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1		
through		
110-5-6	New	V. 11, p. 1370, 1371, 1703, 1704

#### AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-2-21	New	V. 11, p. 1471
111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30

111-3-20	Amended	V. 11, p. 1148	111-4-308	through		111-6-1	through	
111-3-21	Amended	V. 11, p. 1148	111-4-320	New	V. 10, p. 1214, 1215	111-6-15	New	V. 7, p. 213-217
111-3-22	Amended	V. 11, p. 1148	111-4-308	Amended	V. 10, p. 1472	111-6-1	Amended	V. 11, p. 1477
111-3-23	Revoked	V. 10, p. 883	111-4-311	Amended	V. 10, p. 1472	111-6-3	Amended	V. 9, p. 200
111-3-25	Amended	V. 11, p. 1149	111-4-312	Amended	V. 10, p. 1472	111-6-4	Amended	V. 10, p. 1413
111-3-26	Amended	V. 11, p. 1149	111-4-322	through		111-6-5	Amended	V. 10, p. 14
111-3-27	Amended	V. 11, p. 1149	111-4-331	New	V. 10, p. 1411-1413	111-6-6	Amended	V. 11, p. 1151
111-3-29	Revoked	V. 11, p. 1149	111-4-332	through		111-6-7	Amended	V. 11, p. 1477
111-3-31	Amended	V. 8, p. 209	111-4-335	New	V. 10, p. 1473	111-6-8	Amended	V. 11, p. 1478
111-3-32	Amended	V. 10, p. 883	111-4-336	through		111-6-9	Amended	V. 10, p. 1217
111-3-33	New	V. 7, p. 1434	111-4-345	New	V. 10, p. 1526-1528	111-6-12	Amended	V. 8, p. 212
111-4-1	Amended	V. 8, p. 134	111-4-346	through		111-6-13	Amended	V. 8, p. 299
111-4-2	Amended	V. 7, p. 1063	111-4-361	New	V. 10, p. 1586-1589	111-6-17	Revoked	V. 10, p. 1475
111-4-4	Amended	V. 7, p. 1063	111-4-362	through		111-7-1	through	
111-4-6	Amended	V. 7, p. 1434	111-4-365	New	V. 10, p. 1723	111-7-10	New	V. 7, p. 1192, 1193
111-4-7	Amended	V. 7, p. 1945	111-4-366	Amended	V. 11, p. 13	111-7-1	Amended	V. 8, p. 212
111-4-8	Amended	V. 7, p. 1064	111-4-379	New	V. 11, p. 136-139	111-7-3	Amended	V. 11, p. 1152
111-4-12	Amended	V. 7, p. 1190	111-4-380	through		111-7-4	Amended	V. 9, p. 1367
111-4-66	through		111-4-383	New	V. 11, p. 477, 478	111-7-5	Amended	V. 9, p. 986
111-4-77	New	V. 7, p. 207-209	111-4-384	through		111-7-6	Amended	V. 9, p. 987
111-4-96	through		111-4-387	New	V. 11, p. 414	111-7-9	Amended	V. 9, p. 1569
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